



STATE OF TEXAS □
 COUNTY OF HAYS □

ON THIS THE 11TH DAY OF JULY 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
LEE CARLISLE

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

Commissioner Precinct 4 Russ Molenaar was absent.

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

PRESENTATION BY TEXAS POLL REGARDING HAYS COUNTY PARKS ADVISORY BOARD CITIZENS SURVEY RESULTS

Ty Meighan of Texas Poll spoke of survey results - 374 were initially returned and by June 20th they had received 943 surveys (47% response rate). They feel like the results indicate that people see it as a county function to oversee parks. 53% have visited Dudley Johnson Park (5 Mile Dam) and 67% have visited public parks or recreation areas in Texas over the last 12 months. 44% felt like it was extremely important for the county to acquire more park and open space land as buffer land along streams to provide flood protection protect habitat, natural environment and water quality and 55% felt like it was extremely important for the county to acquire buffer land to protect aquifer recharge areas. As far as public recreational facility needs, the survey indicated that river/creek access was the number one need. 71% are concerned that Hays County will lose its rural character because of the county's current level of growth. 89% agreed that we need to preserve open space for future generations and 65% felt like the county should acquire and manage parks. 61% agreed that parks are a public service that should be funded by county government – 41% were not willing to pay higher taxes to provide and improve a park system. The main types of funding supported was grants from state and foundations, entrance/user fees, and donations of land or money. Other funding suggestions, listed by residents, were: federal money, public fundraisers, public/private partnership, revenue bonds, county sales tax, benchmark other states' funding methods, money from traffic fines, private sector, and state lottery. Items listed that residents felt were extremely important (over 40% support) for the Commissioners' Court to focus on were: protecting air and water quality, reducing taxes, and protecting property rights. Only 15% supported promoting economic growth. Commissioner Burnett spoke of work by the parks committee and need to put results of survey on to the county website. He spoke of need for the court to have a workshop with the parks committee to discuss where we go from here and how the court wants the parks committee to move forward with the master plan (coordinator, facilitator, etc.). It is good to know what the residents want. Commissioner Carter asked about the demographics of people responding to the survey (San Marcos residents who have moved here within the last 10 years or less – couples with children). Ty Meighan advised that these people appeared to use these facilities more. This was a random sample of addresses in the county.

PUBLIC COMMENTS

[T1-208] Jim Green, Hays County Historical Commission, thanked the court for use of two rooms on the ground floor of the courthouse for a museum. He spoke of photographs being displayed in the museum and he spoke of Hays County Historical Commission having web pages now accessible through the county web page. He thanked Jeff McGill (County Computer Director) for help he gave them in creating their web page.

[T1-245] Sam Davis spoke of his interest in the parks study. He wanted to disagree with the results in that less than 1% of the county residents were surveyed. He spoke of his experience with parks – they were dirty, restrooms were never in good shape, a lot of bad things went on in the parks, and they are very expensive to maintain. He felt like we have more problems in Hays County than putting new parks in and he is not willing to pay more money for parks that he probably will not use. Commissioner Burnett spoke of others having the same concerns as he has with parks (unsafe and not clean). We need a comprehensive plan in order to receive state or federal funding and we will have to work with the State Parks & Wildlife Dept. and LCRA.

18780 APPROVE THE COMMISSIONERS’ COURT MINUTES OF JUNE 28, 2000

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve the Commissioners’ Court Minutes of June 28, 2000. All present voting “Aye”.

HAYS COUNTY COMMISSIONERS’ COURT MINUTES



JULY 11, 2000

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18781 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 \$173,020.86 (7/4/00 disbursement) and \$331,414.23 (7/11/00 disbursement) as presented by the County Auditor. All voting “Aye”.

JUNE 7, 2000 = \$ 173,020.86

P & I	\$ 55.60	Licenses & permits	\$ 73.00	Public Safety Services	\$ 62.00
Fines	\$ 361.75	Auditors Office	\$ 260.71	Treasurers Office	\$ 1,285.88
Extension Office	\$457.20	Grants Administration Office	\$ 119.86	Juvenile Probation Office	\$ 72.50
Election Administration Ofc	\$ 58.92	Community & Social Svcs	\$ 5,091.99	Indigent Care	\$ 10,744.83
Transfer Station	\$ 559.92	Bldg Maintenance Dept.	\$ 6,558.40	Environmental Health	\$ 1,341.79
Civic Center	\$ 3,094.25	Countywide Operating	\$ 76,962.43	Tax Assessor/Collector	\$ 258.01
District Clerks Office	\$ 403.84	County Clerks Office	\$ 349.47	Sheriffs Office	\$ 5,592.72
Jail Operating	\$ 2,056.18	County Court at Law 1	\$ 112.50	District Attorneys Office	\$ 135.00
J.P. 1-1	\$ 36.68	J.P. 1-2	\$ 445.12	J.P. 2	\$ 210.51
J.P. 3	\$ 168.15	J.P. 4	\$ 304.52	J.P. 5	\$ 165.32
Dept. of Public Safety	\$ 184.00	Constable 1	\$ 288.84	Constable 2	\$ 2,893.01
Constable 3	\$ 36.09	Constable 4	\$ 126.05	Constable 5	\$ 77.20
District Court Operations	\$ 5,214.45	Co & JP Court Operations	\$ 678.00	Computer Services	\$ 606.75
Fire Marshal/EMC Office	\$ 275.61	District Court Reporters	\$ 200.00	Special Counsel Office	\$ 146.00
Commissioners court Exp	\$ 160.38	CAPCO/Waste Task Force Grant	\$ 10,225.44	CAPCO/911 Address Mtc Grant	\$ 7,053.94
General Fund Credit	<\$19.36>	Road & Bridge Operations	\$ 3,754.05	Precinct 3	\$ 426.89
Precinct 4	\$ 27.50	Road Reconstructon	\$ 10,053.46	Sheriff Abandoned Vehicle Fund	\$ 120.00
Records Mngmt/Co Clerk	\$ 3,294.24	Health Svcs Grants	\$ 3,183.88	Law Library Fund	\$ 1,368.60
Burnett Road Dist I&S	\$ 46.21	Springlake Road District I&S	\$ 27.53	Sheriff Special Projects Fund	\$ 41.41
Sheriffs Drug Forfeiture Fund	\$ 214.00	Family Health Services Fund	\$ 4,297.16	Tobacco Settlement Fund	\$ 620.48

JUNE 11, 2000 = \$ 331,414.23

Licenses & Permits	\$ 3,733.95	Fines	\$ 747.97	Auditors Office	\$ 334.46
Treasurers Office	\$ 176.05	Grants Administration Office	\$ 83.85	Juvenile Probation Office	\$ 1,516.22
Community & Social Svcs	\$ 143,976.33	Transfer Station	\$ 164.85	Building Maintenance Dept.	\$ 7,492.37
Environmental Health	\$ 422.00	Civic Center	\$ 1,008.77	Countywide Operating	\$ 75,432.00

Tax Assessor/Collectors Ofc	\$ 32.65	County Clerk's Office	\$ 16.30	Sheriff's Office	\$ 3,740.09
Jail Operations	\$ 18,502.62	District Attorney's Office	\$ 2,354.17	J.P. 1-1	\$ 10.25
J.P. 1-2	\$ 89.66	J.P. 2	\$ 103.45	J.P. 4	\$ 17.00
J.P. 5	\$ 190.35	Dept. of Public Safety	\$ 226.75	Constable 3	\$ 27.17
Constable 4	\$ 22.25	Constable 5	\$ 596.30	District Court Operations	\$ 634.70
Co & JP Court Operations	\$ 2,131.25	Computer Services	\$ 399.18	County Court at Law 2	\$ 29.80
TJPC Salaries Grant	\$ 1,897.63	Fire Marshal/EMC Office	\$ 60.41	TJPC CCAP Grant	\$ 22,374.38
Assoc. Judge/Family Law	\$ 2.45	Animal Control	\$ 7,500.00	CJD/VOCA Grant	\$ 142.90
CAPCO/Waste Task Force	\$ 59.47	CAPCO/911 Address Mtc. Grant	\$ 174.13	Johnson/Heritage Visitors Center	\$ 318.68
General Fund Credit	<\$41.06>	Road & Bridge Operations	\$ 8,280.94	Precinct 4	\$ 8.71
Road Reconstruction	\$ 11,780.00	Health Services Grants	\$ 1,639.05	Law Library Fund	\$ 601.00
Hays Co Hist Comm Trust	\$ 67.82	Sheriffs Special Projects Fund	\$ 888.88	Courthouse Security Fund	\$ 76.00
Sheriffs Drug Forf Fund	\$ 2,065.00	Family Health Services Fund	\$ 9,255.08		

18782 APPROVE BUDGET AMENDMENT #00-28

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment No. 00-28 as proposed by the County Auditor. All present voting "Aye".

					AMENDMENT NO. 00-28 FY 2000 BUDGET 07/11/00
FUND NO. 01					
FUND TITLE GENERAL FUND					
		APPROPRIATION BEFORE	AMENDMENT		APPROPRIATION
			INCREASES	DECREASES	
AS		AMENDMENT			AMENDED
<u>LINE ITEM - EXPENDITURES</u>					
TREASURER (402):					
01-402-5462 Personnel Ads		6,700	1,500		8,200
01-402-5801 Countywide Training		2,750		(1,500)	
1,250					
Transfer for needed expense					
TRANSFER STATION (409):					
01-409-5211 Office Supply		200	50		250
01-409-5219 Misc Supply		150	250		400
01-409-5414 Equipment Maintenance		3,800		(300)	3,500
01-409-5489 Telephone			1,700	100	
1,800					
01-409-5480 Utilities		1,300		(100)	1,200
			<u>400</u>	<u>(400)</u>	
Transfer for needed expense					

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AMENDMENT NO. 00-28 FY 2000 BUDGET 07/11/00
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FUND NO. <u>01</u>					
FUND TITLE <u>GENERAL FUND</u>					
AS <u>LINE ITEM - EXPENDITURES</u>	APPROPRIATION		AMENDMENT		APPROPRIATION <u>AMENDED</u>
	BEFORE		INCREASES	DECREASES	
<u>DISTRICT CLERK (416):</u>					
01-416-5211 Office Supply	4,060	800			4,860
01-416-5489 Telephone		4,500		(800)	
3,700					
<u>COUNTY CLERK (417):</u>					
01-417-5212 Postage	6,000	706			6,706
01-417-5411 Office Equipment Maintenance	-0-	10			10
01-417-5473 Equipment Lease	5,000	380			5,380
01-417-5461 Printing	1,200			(1,096)	104
			<u>1,096</u>	<u>(1,096)</u>	
Transfer as Records Management expense					
<u>COUNTY JUDGE (420):</u>					
01-420-5353 Special Projects	-0-	250			250
01-420-5489 Telephone		5,000		(250)	
4,750					
FUND NO. <u>03</u>					
FUND TITLE <u>ROAD & BRIDGE GENERAL FUND</u>					
AS <u>LINE ITEM - EXPENDITURES</u>	APPROPRIATION		AMENDMENT		AMENDED
	BEFORE		INCREASES	DECREASES	
<u>PRECINCT 3 (441):</u>					
03-441-5353 Special Projects	1,500	500			
2,000					
03-441-5331 Cont. Ed		1,500		(500)	
1,000					
Authorize and transfer for payment from County Judge and Commissioner 3 for Conference support expense to Austin Area Research Organization (Total \$750)					
					AMENDMENT NO. <u>00-28</u> FY 2000 BUDGET <u>07/11/00</u>
FUND NO. <u>01</u>					
FUND TITLE <u>GENERAL FUND</u>					
AS <u>LINE ITEM - EXPENDITURES</u>	APPROPRIATION		AMENDMENT		AS <u>AMENDED</u>
	BEFORE		INCREASES	DECREASES	
<u>COMPUTER SERVICES (456):</u>					
01-456-5421 Countywide Maintenance	23,861	8,000			31,861
01-456-5712 Data Proc Equipment		191,257		6,000	
197,257					
01-456-5021 Staff	95,941			(7,000)	
88,941					
01-456-5101 FICA/RET		27,042		(3,000)	
24,042					
01-456-5160 Insurance		17,118		(4,000)	
13,118					
			<u>14,000</u>	<u>(14,000)</u>	
Transfer personnel savings to allow balances to new Kyle & Dripping Springs buildings					

CJD/TRUANCY OFFICER GRANT (717):			
01-717-5719 Equipment	25,850		117
25,967			
01-717-5219 Supplies	3,579		(117)
3,462			
Transfer for increased cost			
FUND NO. <u>08</u>			
FUND TITLE <u>RECORDS MANAGEMENT/COUNTY CLERK FUND</u>			
	APPROPRIATION	<u>AMENDMENT</u>	APPROPRIATION
	BEFORE		AS
<u>LINE ITEM - EXPENDITURES</u>	<u>AMENDMENT</u>	<u>INCREASES</u> <u>DECREASES</u>	<u>AMENDED</u>
<u>RECORDS MANAGEMENT (445):</u>			
08-445-5473 Lease Equipment	6,400	2,700	9,100
08-445-5448 Contract Services	96,695	(2,700)	
93,995			
Transfer for equipment lease from General Fund			

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18783 APPROVE REFUND OF DOUBLE PAYMENT/OVERPAYMENT OF TAXES

Tax Assessor-Collector Luanne Caraway submitted the following application for tax refund: Lot 75 River Oaks Ranch 1 = \$927.33. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve refund of double payment/overpayment of taxes as submitted by the Tax Assessor-Collector in the amount of \$927.33. All present voting "Aye".

18784 APPROVE UTILITY PERMIT #00-224, #00-227, #00-228, & #00-406

The following Utility Permits were submitted by the Road Department for approval:

PERMIT #	COUNTY ROAD	UTILITY COMPANY
00224	CR210 – DRY HOLE ROAD	TEXAS WATER SERVICES INC
00227	CR117 – OLD SAN ANTONIO HWY.	J. C. EVANS
00228	CR117 – OLD SAN ANTONIO HWY.	ENTEX
00406	LAUREL HILL	HILL COUNTRY WATER SUPPLY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Utility Permit #00-224, #00-227, #00-228, & #00-406 as submitted by the Road Department All present voting "Aye".

18784 APPROVE THE OFFICIAL BOND OF CONSTABLE PCT. 3 RONALD P. MAGILL

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve the Official Bond of Constable Pct. 3 Ronald P. Magill. All present voting "Aye".

18785 ACCEPT INDEPENDENT AUDIT REPORT OF NORTH HAYS COUNTY ESD#1

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to accept the Independent Audit Report of the North Hays County ESD#. All present voting "Aye".

18786 APPROVE APPOINTMENT OF THE HAYS COUNTY EMPLOYEE GRIEVANCE HEARING COMMITTEE

Personnel Director Britney Richey advised that this committee will formally hear employee grievances and make official judgments concerning the matters in question. It is recommended that Judge Linda Rodriguez, Commissioner Bill Burnett, Commissioner Debbie Ingalsbe, Elizabeth Gonzalez and Roger Ramos be selected as the committee. County Court at Law Judge Linda Rodriguez would preside over the hearings and Elizabeth Gonzalez of the County Clerk's office will record the hearings. These five members will satisfy the requirements to have an odd number of members, an elected Judge that presides over cases of law, two members from the Commissioners' Court, and two non-supervisory county employees and an official recorder. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve appointment of Judge Linda Rodriguez, Commissioner Bill Burnett, Commissioner Debbie Ingalsbe, Elizabeth Gonzalez, and Roger Ramos to the Hays County Employee Grievance Hearing Committee . All present voting "Aye".

18787 GREAT HILLS SECTION ONE * APPROVE FINAL PLAT [T1-300]

Environmental Health Director Allen Walther spoke of review process for this proposal - there has been concern over road issues (who owns those roads, who has a right to use those roads, and how they are going to be maintained). The Railyard Subdivision was the first subdivision that was approved which was a section out of a 1,114 acre parcel. It is critical as to who owns roads and how all these different sub-parcels coming out of the original tract are related. Road Dept. Engineer/Director Jerry Borcharding spoke of plat notes on The Railyard Subdivision: *Know all men by these presents, that I, Robert W. Mayo being the owner of 1114.00 Acres lying in and situated out of the Samuel Little Survey, Abstract 286;* (establishes Robert Mayo as the owner) *do hereby subdivide 97.904 acres of said tract* (establishes that the property owner is the subdivider) *Do hereby dedicate to the owners of the property shown hereon the use of the streets and easements shown hereon.* (he/subdivider did not give up his rights to use the streets and easements contained within the Railyard Subdivision. Other note: *In approving this plat by the Commissioners' Court of Hays County, Texas it is understood that all roads shown hereon are private roads and shall remain the property of the Subdivider and/or subsequent owners of the property* (Robert Mayo has sold his property to Donald Dempsey, the subsequent owner of the subdivision). Allen Walther spoke of plans previously presented to the court to develop the remainder of the property. Commissioner Carter advised that that plan was dropped and was not recorded – it is not a legal document and not binding. She feels like the road in the Railyard Subdivision are private roads dedicated to the property owners and those owners have a right to this private property. We now have a landlocked piece of property (remainder of property that was sold to Mr. Dempsey) which was platted independently of the Railyard Subdivision. Jerry Borcharding spoke of plat notes being consistent with plans of a phased development and staff feels like the notes protect subsequent owners as far as access is involved. Allen Walther spoke of master plan showing the layout of the 1114 acre with primary access on High Road. He stated that the court has approved Section 2 of Great Hills (based on considerable review and letter from Attorney David Brooks) - access is provided via a permitted street - Railyard Road will be improved by developer of Great Hills and it will be submitted to the county for county maintenance.



A Letter Of Credit has been filed to guarantee construction of Railyard Road and the other roads in Great Hills Subdivision. There are two other roads in Railyard Road that are not going to be used for access to Great Hills. Allen Walther stated that staff realizes those concerns, however, they are not a part of Great Hills Subdivision review. If you refer back to the plat of Railyard Subdivision, it is evident that those roads were stubbed out for access to subsequent owners of the 1114 acre parcel. In regards to Railyard Drive, there has been a change of ownership and a deed has been filed signed by Robert Mayo which conveys ownership to Donald Dempsey. Individual lots have been conveyed in the Railyard Subdivision as separate parcels and those lots do not go to the center of the road – they have a right to use the roads in the subdivision but all research done indicates that

ownership of the roads is exclusively Donald Dempsey's (current owner). He spoke of Local Government Code requirement that counties must complete review within 60 days. The plat meets all county requirements and he gave staff recommendation for approval of final plat. Commissioner Carter asked about following county rules regarding permitted street (3 types of permitted streets). She feels like subsequent owners are the homeowners of the lots. She questioned the number of lots shown on the agenda versus number of lots on the plat (44 v 52).

[T1-650] David Junkin (representing Jamie Marshall & President of River Mountain Ranch HOA) stated that he cannot take issue with anything the court has heard from staff about who owns the road – what he takes issue with is what that means. He spoke of case law regarding Eagle Rock Ranch (now a part of Woodcreek in Wimberley) that went before the Texas Supreme Court. He spoke of “easement appurtenant” – the guy who owns the property cannot do anything that interferes with that right of property owners – he cannot allow other people to use those common areas (parks, roads, & lakes). Mr. Junkin spoke of Railyard Subdivision being the initial phase of a planned development - who is suppose to take care of the existing roads? He spoke of county regulations ending with approval of the plat (something needs to be in place to take care of these roads). In this particular case, there is a developer that wants to expand this subdivision and not deal with all the roads. He feels like the court needs to make sure that all the roads in The Railyard Subdivision are brought up to snuff before granting final approval of Great Hills. Allen Walther advised that staff has done what can be done in regards to Great Hills Subdivision – Railyard Drive will be brought up to county standards and road security has been provided for Great Hills Subdivision. Commissioner Burnett spoke of difference with this subdivision and River Mountain Ranch – county regulations are different now. [T1-761] Jamie Marshall (President of Railyard Subdivision HOA) asked about cancellation of a plat. She feels like she is an owner, as well as other lot owners in this subdivision. She advised that she has not been able to talk to Mr. Mayo. She does not feel like Great Hills is a phase of The Railyard Subdivision. She feels like Mr. Dempsey has a responsibility to bring all the roads up to standard (either along with the HOA or by himself). Commissioner Carter spoke of information she received from Texas Association of Counties [TAC] and from Mr. Junkin are identical *“original owners chose to dedicate the roads to the use of the owners of the property in the railyard subdivision, not to the public - the original developer also purports to require a property owners association within the subdivision to be responsible for maintenance of the roads - the developer cannot give your client (Mr. Dempsey) the authority to use the roads for development of another subdivision without approval of the property owners who by way of dedication have an established interest in the road - the original owners cannot unilaterally decide to increase the traffic, wear and tear on the roads and expect the property owners in the subdivision to be responsible for continuing maintenance on the road.* She stated that TAC says the same thing *“unless the developers can show that this road was dedicated to the public, it is not a public road. It would take a petition of the people in the Railyard to dedicate the roads to public use”.* She felt like the court must deny approval of this subdivision. She stated that she discussed with Mr. Brooks that when you apply for subdivision approval the 60 days can be interrupted by deficiencies that need to be corrected - we are not operating under the 60 day rule in this particular case. Commissioner Burnett asked staff (Allen Walther, Jerry Borcharding & Special Counsel Jacqueline Cullom Murphy) about their review. They acknowledged that all county regulations have been met. A motion was made by Commissioner Burnett, seconded by Judge Powers to approve final plat of “Great Hills Section One”. Commissioner Ingalsbe, Commissioner Burnett, and Judge Powers voting ‘Aye”. Commissioner Carter voting “No”. MOTION PASSED.

PUBLIC HEARING REGARDING THE RESUBDIVISION OF “POUNDHOUSE HILLS SECTION 1 BLOCK D LOT 2” INTO “POUNDHOUSE HILLS SECTION 2” [T1-914]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther advised that this item will come back to the court for approval at a later date.

18788 THE OVERLOOK AT THE HILLS OF TEXAS * PRELIMINARY PLAT APPROVAL

[T1-924] This is a 26 lot subdivision on Madrone Mountain Way. Environmental Health Director Allen Walther advised that this subdivision proposal has met all county requirements and has been approved by City of Dripping Springs (ETJ). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve preliminary plat of “The Overlook at the Hills of Texas”. All voting “Aye”.

18789 HIGH MEADOWS SECTION 2 * APPROVE FINAL PLAT [T1-938]

Environmental Health Director Allen Walther advised that this is a 2nd phase of a phased development. He gave staff recommendation for approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of "High Meadows Section 2". All present voting "Aye".

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18790 RESUBDIVISION OF GOFORTH ESTATES PHASE 2 LOT 15-A * FINAL PLAT APPROVAL [T1-959]

Environmental Health Director Allen Walther gave staff recommendation for approval of final plat. A motion was made by Commissioner Carter, Seconded by Commissioner Ingalsbe to approve final plat of "Resubdivision of Goforth Estates Phase 2 Lot 15-A". All present voting "Aye".

18791 LILLY'S HILL * FINAL PLAT APPROVAL [T1-974]

Environmental Health Director Allen Walther gave staff recommendation for approval of final plat. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve final plat of "Lilly's Hill". All present voting "Aye".

18792 KELLER ESTATES * FINAL PLAT APPROVAL [T1-982]

Environmental Health Director Allen Walther gave staff recommendation for approval of final plat. A motion was made by Commissioner Burnett, seconded by Commissioner Carter to approve final plat of "Keller Estates". All present voting "Aye".

18793 RESUBDIVISION OF ROCKY RANCH ACRES SECTION 3 LOT 73 * FINAL PLAT APPROVAL [T1-994]

Environmental Health Director Allen Walther spoke of variance request for minimum lot size requirement that was granted some time ago – this is a five acre parcel developed with 2 houses on it. It required approval from TNRCC because of density (approved by TNRCC). There was no increase in density – a public hearing has been held and he gave staff recommendation for approval. Tim Wilsford (resident of Rocky Ranch Acres) spoke of first knowledge he had of this resubdivision was by a letter he received 2 weeks ago. When he bought property in this subdivision he thought it was going to stay five acre lots. He realizes the houses have been there for a while and he has concerns regarding condition of roads and septic systems. Does not want a precedent set of getting too many houses on a road that is a gravel road with potholes. He was concerned about when the variance occurred and when septic systems were put in (before or after the subdivision rules were in place?). Allen Walther spoke of variance received from TNRCC regarding density was in 1996. He said that it was only when the property was submitted for division that the variance was requested and it was granted because of existing density. Mr. Wilsford spoke of road being in terrible shape and they would like for the county to take it over. Judge Powers advised Mr. Wilsford to speak to Road Engineer Jerry Borcharding regarding road issues. Commissioner Carter spoke of subdivision rules (pg 33) and criteria that must be met. She spoke of notification needing to be in a timely manner. Allen Walther advised that only the owners of the lots can sign off on the plat and notice was sent to all property owners in the subdivision. He explained justification for variance that was granted for this lot (pollution abatement plan). Mr. Wilsford advised that he missed the other meeting (preliminary hearing). He withdrew his opposition to this resubdivision but stated that he doesn't want to see more resubdivisions. Special Counsel Jacqueline Cullom

Murphy advised that by appearing before the court and stating opposition does not establish interference of their rights. Discussion was had regarding time frame for notification to other property owners. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve final plat of "Resubdivision of Rocky Ranch Acres Section 3 Lot 73". Commissioner Ingalsbe, Commissioner Burnett, and Judge Powers voting "Aye". Commissioner Carter voting "No".

18794 AUTHORIZE THE USE OF RECORDS PRESERVATION FUNDING TO PRESERVE OLD TAX SUIT RECORDS (DISTRICT CLERK'S OFFICE) [T1-1256]

District Clerk Cecelia Adair spoke of filming that was done in 1996 that needs to be redone (due to camera malfunction). The vendor will re-film those records at no cost to the county and provide a microfilm and CD version of the records and those records will be copied every 10 years. She requested up to \$6,000 for this project. Sean Murphy asked if this project was put out for bids. Cecelia Adair advised that no bids were received and she would be willing to contact other vendors if she were given their names. A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to authorize the use of Records Preservation Funds to preserve old tax suit records in the District Clerk's office not to exceed \$6,000. All present voting "Aye".

18795 AUTHORIZE THE CONVEYANCE OF PROPERTY TO THE TEXAS DEPARTMENT OF TRANSPORTATION TO BE USED AS RIGHT-OF-WAY FOR HUNTER ROAD PROJECT
[T1-1375]

Commissioner Burnett spoke of Hunter Road Project (widening). The Texas Dept. of Transportation has made an offer to purchase county owned property at the intersection of Centerpoint Road & Hunter Road for right-of-way. Documentation was provided. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to authorize the conveyance of property to the Texas Department of Transportation and accept the offered purchase price of \$7,945.00 for right-of-way on Hunter Road (SH2439). All present voting "Aye".

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JULY 11, 2000

18796 ACCEPT BIDS FOR PROPERTY HELD IN TRUST (DELINQUENT TAX PROPERTY) [T1-1427]

Tax Assessor-Collector Luanne Caraway spoke of bid received for property held in trust: Lots 46 & 47 Tarod Phillip Townhomes Section 1 = \$9,000 – this would be a 100% recovery rate. A motion was made by Judge Powers, seconded by Commissioner Carter to accept bid of \$9,000.00 for property held in trust (delinquent tax property – Lots 46 & 47 Tarod Phillip Townhomes. All present voting "Aye".

PARKS ADVISORY BOARD MASTER PLAN * USE OF FACILITATOR [T1-1455]

Commissioner Carter felt like we should use the expertise available of Delbert Bassett (a trained and experienced facilitator) – he would want the masters naturalist program to get some credit for his work for the county (will work at no cost to the county). She wants the public/taxpayers to know that this alternative is available to us. She advised that she told the parks advisory board of this. This would make our master plan more of a locally controlled, locally grown plan. Commissioner Burnett would like to see the Parks Board submit this as a recommendation before action is taken by the court. Commissioner Carter stated that some people on the Parks Board want this and others that have an agenda of bringing someone that they know who would cost the county substantial money - there has not been a consensus so she thought it would be wise to let the public know what there is available. No action taken.

BOUNDARY STREET DONATION AGREEMENT [T1-1521]

Commissioner Carter spoke of agreements approved by Travis County and she spoke of difficulty with Woods of Brushy Creek agreement. In order to facilitate cooperation with developers who contribute funds toward the rebuilding of Hays County roads, this agreement which is patterned after the Travis County agreement is a tool for standardizing this process, giving Hays County flexibility and assuring developers that their funds will be used for the specific road intended. She spoke of La Ventana agreement which is different from this. Commissioner Ingalsbe felt like each situation should be looked at separately. Special Counsel Jacqueline Cullom Murphy spoke of this being a policy of the court – she feels like some cash is needed before construction begins or it could be considered an improper lending of credit – how we work it out is up to the court. Commissioner Carter spoke of money already set aside in the budget for this. Judge Powers spoke of need that cash is in the bank prior to starting construction. Britany Richey spoke of preferring an irrevocable letter of credit (LOC) because it cannot be revoked – it is not the same as cash (not having cash in hand) – the county cannot accept stock. Commissioner Burnett spoke of Fulton Ranch Road agreement - each one will be different and with variables - it would be hard to standardize all agreements. Jacqueline Cullom Murphy spoke of struggle with Rohde Road agreement - she has no problem using the Travis County agreement. She views her role as protecting the county and is willing to develop an agreement. She spoke of hours spent on the Rohde Road project and difficulties encountered. Commissioner Carter does not want to jeopardize donations. Judge Powers spoke of need for clarification from counsel. Commissioner Burnett spoke of need to use this agreement for Rohde Road and not accept this form as a standard agreement. Jacqueline Cullom Murphy asked about LOC issue. Judge Powers advised that he wants to make sure that the LOC will turn into cash. Environmental Health Director Allen Walther spoke of LOC, in the subdivision process, being a guarantee that roads will be constructed or maintained and the county can obtain that money if project is not completed to county satisfaction. Jacqueline Cullom Murphy is opposed to approving this as a standardized agreement. Commissioner Burnett offered to work with Mr. Powell (Woods of Brushy Creek) and Commissioner Carter in preparing an agreement for that particular project. No action taken.

18797 APPROVE AN INTERLOCAL COLLABORATIVE AGREEMENT AND MEMORANDUM OF UNDERSTANDING (MOU) FOR SUBMITTAL OF GRANT REQUEST BY TEXAS ASSOCIATION OF LOCAL HEALTH OFFICIALS, FOR PARTICIPATING LOCAL HEALTH DEPARTMENTS TO THE TEXAS TELECOMMUNICATIONS INFRASTRUCTURE FUND BOARD [T1-1986]

Summary: Instead of each local health dept. submitting a grant application to the Texas Telecommunication Infrastructure Fund Board, the Texas Assoc. of Local Health Officials (TALHO) will be applying for grant funds for participating local health departments. Hays County is a local participating health dept. This grant could result in \$60,000 in equipment and services for each health dept. that participates in the Collaborative. The purpose of the interlocal agreement is to establish a collaborative among local health depts. in Texas for the purpose of applying for computer network funding from the Telecommunication Infrastructure Fund Board (TIFB). The purpose of the Memorandum of Understanding is to establish the Texas Health Alert Network (HAN). It will provide computing and communication capability for all appropriate public health staff and high performance, continuous, reliable, nationwide, secure connectivity. The network will be part of an integrated nationwide HAN that is partially funded by the Centers for Disease Control and Prevention. Grants Administrator Richard Salmon spoke of grant application made previously - rules were changed and applications were kicked out - they reopened under slightly different criteria. Gay Helmly, Personal Health Director, spoke of money being about the same but they will have to go with public alert network (new computer equipment) rather than communications with the Sheriffs Dept. No matching funds will be needed. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve an interlocal collaborative agreement and memorandum of Understanding (MOU) for submittal of grant request by Texas Association of Local Health Officials, for participating local Health Departments to the Texas Telecommunications Infrastructure Fund Board. All present voting "Aye".



USE OF PRIVATE ROADS FOR COMMERCIAL USE [T1-2059]

Commissioner Carter spoke of Attorney General's Opinion DM-487 which concluded that a commissioners court may not take private property for the purpose of establishing a road pursuant to Transportation Code 251.053, the neighborhood road statute. She feels like the AG's opinion deals with situations like The Railyard Subdivision/Great Hills Subdivision. She had previously asked for an AG's opinion and was told that action was needed by the commissioners' court and has since found out that Sec. 41.007 Local Government Code provides that any commissioner shall be provided a written opinion and it only takes a request of one commissioner who does not feel they have gotten an answer that's satisfactory in order to seek an attorney general's opinion. She stated that John Fuller (AG's office) has given her guidance on this and he has a booklet on this. She wanted the court to know that anyone on the court can request an attorney general's opinion if we have a question that cannot be clarified within our own resources. She spoke of article reflecting that Chris Boldt has represented the other side of the coin – turning a private road into a public road – and was fighting that very issue a few years ago in commissioners court because he was representing people who did not want their private road (which was an easement) turned into a public road and that was upheld. Commissioner Burnett felt like it was established earlier this morning that the ownership of roads (in Great Hills situation) was Mr. Mayo and was dedicated by him to the current owner. He felt like this agenda item is irrelevant. Commissioner Burnett stated that Railyard Road intersects High Road (county maintained road) and that road is owned by the developer, giving him direct physical access. Commissioner Carter disagreed.

STAFF REPORT [T1-2178]

Personnel Director Britney Richey spoke of county awards ceremony held June 24th (picnic at VFW Hall in Wimberley) being a huge success – 24 awards were given out for outstanding achievement, 4 awards for employee of the year as well as some peer recognition awards – the entire picnic was donated by either individuals or companies. She wanted to recognize these donations: Members of Commissioners' Court, Julius Kessler, Logic, Lee Carlisle, Terry Gilmore, Chuck Nash, Frost Bank, Michele Tuttle, Ron Knott & the Lions Club, Cecelia Adair, and Thomas Richey. Door prizes were donated by H.E.B., Bealls, Tanger Outlet, Dixie Cream Donut, Nationwide Deferred Compensation, The Software Group, Valentino's, and Starplex Theaters. She thanked them for their support.

Court was adjourned.

MINUTES APPROVED IN OPEN COURT ON THE 18th DAY OF JULY, 2000

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

LEE CARLISLE, COUNTY CLERK

H A Y S COUNTY, TEXAS

