



STATE OF TEXAS ①  
 COUNTY OF HAYS ①

ON THIS THE 16<sup>TH</sup> DAY OF JANUARY A.D., 2001, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

**WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:**

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

**19217 ADOPT A PROCLAMATION DECLARING JANUARY AS SCHOOL BOARD RECOGNITION MONTH IN HAYS COUNTY**

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring January as "School Board Recognition Month" in Hays County. All voting "Aye".




***PROCLAMATION OF THE HAYS COUNTY COMMISSIONERS' COURT  
 Declaring January 2001 as "School Board Recognition Month"***

**WHEREAS**, the mission of the public schools is to meet the diverse educational needs of all children and to empower them to become competent, productive contributors to a democratic society and an ever-changing world; and

**WHEREAS**, local school board members are committed to children and believe that all children can be successful learners and that the best education is tailored to the individual needs of the child; and

**WHEREAS**, local school board members work closely with parents, educational professionals, and other community members to create the educational vision we want for our students; and

**WHEREAS**, local school board members are responsible for ensuring the structure that provides a solid foundation for our school system; and

**WHEREAS**, local school board members are strong advocates for public education and are responsible for communication the needs of the school district to the public and the public's expectations to the district.

**NOW, THEREFORE**, the Hays County Commissioners' Court does hereby declare its appreciation to the members of all Hays County School Boards and proclaims the month of January 2001, as

**"SCHOOL BOARD RECOGNITION MONTH"**

in Hays County. The Court urges all citizens to join us in recognizing the dedication and hard work of local school board members and in working with them to mold an education system that meets the needs of both today's and tomorrow's children.

**IN OFFICIAL RECOGNITION WHEREOF** the Commissioners' Court of Hays County does hereby affix their signatures this 16<sup>th</sup> day of January 2001.





**19219 HOLD A PUBLIC HEARING TO CONSIDER A PETITION FOR THE CREATION OF HAYS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2 AND ADOPT AN ORDER AUTHORIZING THE CREATION OF THE DISTRICT**

Judge Powers declared the public hearing open - no public input was received and the public hearing was closed. A motion was made by Judge Powers, seconded Commissioner Molenaar to adopt an Order Granting Petition Requesting Creation of a Water Control and Improvement District [Hays County Water Control and Improvement District No. 2] and appointing the temporary directors. All voting "Aye".

**ORDER GRANTING PETITION REQUESTING CREATION OF A WATER CONTROL AND IMPROVEMENT DISTRICT [HAYS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2]**

**THE STATE OF TEXAS §**  
**COUNTY OF HAYS §**

The Commissioners Court for Hays County, Texas having received the Petition Requesting the Creation of **HAYS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2**, having posted and provided notice of a hearing on the Petition, having held a hearing on the Petition in accordance with the notice, and having heard and considered testimony of all persons electing to appear at the hearing, has and does make the following findings:

1. The Petition was validly filed in accordance with the provisions of Chapter 51, Title 4, Texas Water Code.
2. The proposed District contains an area of approximately 608.00 acres of land, more or less, situated wholly in Hays County, Texas, and is described by metes and bounds in Exhibit "A", which exhibit is attached hereto and incorporated herein for all purposes.
3. The property is partially or wholly within the extraterritorial jurisdiction (as such term is defined in Local Government Code, Section 42.021) of Dripping Springs, and such city has consented to the creation of the District.
4. The areas composing the District are contiguous and are not separate bodies of land separated by land not included in the District.
5. The District is intended to be created and organized for the purposes allowed under the Texas Water Code.
6. The general nature of the work to be done by the District at the present time is in compliance with state law.
7. The project, including the proposed improvements, and the organization of the District as requested is practicable and feasible.
8. Petitioner is the majority of the persons or entities who hold title to land in the proposed District which represents a total value of more than 50 percent of the value of all the land in the proposed District, as indicated by the tax rolls of Hays County, Texas as supplemented.
9. The land to be included in, and the residents of, the proposed District will be benefited by the creation of the District.
10. There is a public necessity or need for the District.
11. The creation of the District would further the public welfare.

Based upon these findings, it is ordered that the District shall be organized, created, and established and shall exist under, and shall have the powers authorized by, the terms and provisions of Article 16, Section 59, Constitution of Texas, and Chapter 49 and 51, Title 4, Texas Water Code, except for those powers and functions for waste disposal provided in Section 51.331, Texas Water Code. The District shall be created and organized for the purposes of: the control. Storage, preservation, and distribution of its water and floodwater and the waters of its rivers and streams for irrigation, power, and all other useful purposes; the reclamation and irrigation of its arid, semiarid, and other land which needs irrigation; the reclamation, drainage, conservation and development of its forests, water, and hydroelectric power; the navigation of its coastal and inland water; the control, abatement, and change of shortage or harmful excess of water; the protection, preservation, and restoration of the purity and sanity condition of water within the state; and the preservation, and conservation of all natural resources of the state. The general nature of the work authorized to be done by the District shall include the acquisition, construction, operation, and maintenance of a waterworks system, for municipal, domestic, industrial, and commercial purposes; the acquisition, construction, operation and maintenance of a drainage system to control, store, preserve, and distribute floodwater and the control, abatement, and change of harmful excesses of water; and all such other purchase, construction, acquisition, ownership, lease, operation, maintenance, repair, improvement and extension of such additional improvements, facilities, plants, equipment, and appliances as shall be consonant with the purposes for which the District shall be organized. The District shall have the authority to provide for and purchase, construction, extension, improvement, maintenance, and operation of such waterworks system and drainage system, so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community, as allowed by state law. Brick Sudderith, Mike Qualls, Brent Cummings, Ben E. Gray, and Blake Houston are hereby appointed as the temporary directors to serve until their successors are duly elected or appointed and qualified as provided by law.

**19220 APPROVE THE COMMISSIONERS' COURT MINUTES OF JANUARY 9, 2001**

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve the Commissioners' Court Minute of January 9, 2001 as presented by the County Clerk. All voting "Aye".

**19221 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve payment of county invoices in the amount of \$ 184,825.75 as presented by the County Auditor. All voting "Aye".



Vouchers Payable	\$ 62.50	Slate Shared Rev	\$ 47.66	Public Safety Svc	\$ 24,309.00
Fines	\$ 135.63	Auditor's Office	\$ 743.29	Extension office	\$ 79.80
Grants Admin Office	\$ 290.45	Juvenile Probation	\$ 730.31	Election Admin Office	\$ 167.15
Indigent Care	\$ 49.95	Transfer Station	\$ 4,970.29	Bldg Mtc Dept.	\$ 5,779.85
Environmental Health	\$ 337.55	Countywide Oper	\$ 13,227.50	Tax Assessor/Collector	\$ 1,552.31
District Clerk Office	\$ 667.34	Sheriff's Office	\$ 9,544.50	Jail Operations	\$ 15,465.24
County Judge's Ofc	\$ 218.44	District Attorneys Ofc	\$ 1,121.48	J.P. 1-2	\$ 126.63
Justice of the Peace 2	\$ 256.17	Justice of the Peace 4	\$ 415.76	Justice of the Peace 5	\$ 30.89
Constable 1	\$ 134.83	Constable 5	\$ 5,888.19	District Court Oper	\$ 8,345.47
Co & JP Court Oper	\$ 102.00	Computer Services	\$ 16,667.46	DPS/Lic & Weights	\$ 113.91
Fire Marshal/EMC	\$ 25.42	District Court Reporters	\$ 73.63	TJPC CCAP Grant	\$ 10,913.00
Assoc. Judge/Family Law	\$ 56.08	Animal Control	\$ 18,000.00	Special Counsel Ofc	\$ 245.91
Comm Court Expenses	\$ 6.00	Waste Task Force Grant	\$ 1,958.97	General Fund Credit	<\$ 426.87 >
Road & Bridge Oper	\$ 33,585.95	Precinct 2	\$ 139.74	Precinct 3	\$ 78.42
Precinct 4	\$ 140.00	Road Reconstruction	\$ 337.26	R&B Gen Fund Credit	<\$161.13>
Sheriff Abandoned Veh	\$ 130.92	Hays Co Parks Fund	\$ 289.46	Rec Mng/County Clerk	\$ 704.77
Health Svcs Grants	\$ 160.72	Law Library Fund	\$ 309.18	Courthouse Security Fund	\$ 98.00
Sheriffs Drug Forf Fund	\$ 3,875.00	Family Health Svcs Fund	\$ 136.37	Stellar Plastics Grant	\$ 2,072.63
Ace in the Hills Grant	\$ 184.77				

**19222 APPROVE BUDGET AMENDMENT #01-08**

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Budget Amendment No. 01-08 as proposed by the County Auditor. All voting "Aye".

AMENDMENT NO. 2001-08 FY 2001 BUDGET 1-16-01				
FUND NO. 01 FUND TITLE <u>GENERAL FUND</u>				
LINE ITEM - EXPENDITURES	APPROPRIATION BEFORE AMENDMENT	AMENDMENT INCREASES DECREASES		APPROPRIATION AS AMENDED
<b>AUDITOR OFFICE (401):</b>				
01-401-5449 Temp Personnel	845	145		990
01-401-5021 Staff	336,049		(145)	335,904
<i>Transfer for balance of Purchasing Office temp</i>				
<b>CONSTABLE 3 (433):</b>				
01-433-5321 Dues & Bonds	200	30		230
01-433-5413 Vehicle Maintenance	750		(30)	720
<i>Transfer for balance of 4 year bond</i>				
<b>BUILDING MAINTENANCE (410):</b>				
01-410-5021 Staff	190,900	2,072		192,972
01-410-5101 FICA	37,907	160		38,067
01-410-5458 Contract Janitorial	23,000		(2,232)	20,768
<i>Allow additional part-time position at Courthouse and transfer from contracts line item</i>				
FUND NO. 07 FUND TITLE <u>HAYS COUNTY PARKS FUND</u>				
<b>PARKS ADMINISTRATION (487):</b>				
07-487-5450 Study/Plan	15,000	15,000		30,000
<b>REVENUE</b>				
07-367-4415 Contribution-Johnson Foundation	-0-		15,000	15,000
<i>Budget restricted contribution to Park master plan</i>				
FUND NO. 12 FUND TITLE <u>LAW LIBRARY FUND</u>				
<b>LAW LIBRARY (447):</b>				
12-447-5441 Maintenance	-0-	450		450
12-447-5712 Equipment	1,500		(450)	1,050
<i>Transfer for needed expense</i>				
FUND NO. 29 FUND TITLE <u>COURTHOUSE SECURITY FUND</u>				
<b>COURTHOUSE SECURITY-DISTRICT COURT (626):</b>				
29-626-5021 Staff	-0-	9,654		9,654
29-626-5101 FICA/RET	-0-	1,607		1,607
<b>COURTHOUSE SECURITY-COUNTY COURT (606):</b>				
29-606-5021 Staff	77,619		(9,654)	67,965
29-606-5101 FICA/RET	8,570		(1,607)	6,963
<i>Separate District Court bailiff expense 1-1-00 thru 9-30-01</i>				



**19223 APPROVE UTILITY PERMITS**

The following Utility Permits were submitted for approval:

UTILITY PERMIT #	COUNTY ROAD	UTILITY COMPANY
01430	Canyon Bend Drive	Garney Co. Inc.
01431	South Canyon Wood Dr	Garney Co. Inc.
01432	Sunset Canyon Drive	Garney Co. Inc.
01433	Oak Branch Drive	Garney Co. Inc.
01434	Whitetail Ridge Road	Garney Co. Inc.
01435	Sawyer Ranch Road	Garney Co. Inc.
01436	Lambs Trail	Time Warner Cable
01437	South Turnersville Road	PG&E Texas Pipeline
01438	Dodgen Trail	Time Warner Cable

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Utility Permits #01430-01438 as submitted by the Hays County Road Department. All voting "Aye".

**Clerk's Note:** Agenda Item #8 RE: Double payments and/or overpayments on taxes- No applications for refund were submitted for approval.

**19224 APPROVE REQUEST FOR QUALIFICATIONS FOR A QUALIFIED CONSULTANT/FIRM TO PREPARE A PARKS AND OPEN SPACE MASTER PLAN IN COOPERATION WITH THE HAYS COUNTY PARKS ADVISORY BOARD**

Summary: The qualified consultant/firm will prepare Parks and Open Space Master Plan in cooperation with the Hays County Parks Advisory Board. The plan will . Encompass the unincorporated areas of Hays County for five to ten years. . Establish principles, concepts, and standards for park and or open space selection, acquisition and development. . Create maps, inventories, charts, and photographs that communicate needs and establish priorities for parks and recreation acquisition and projects. . Coordinate links between parks and park plans of cities and villages within Hays and surrounding counties. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve request for qualification for a qualified consultant firm to prepare a Parks and Open Space Master Plan in cooperation with the Hays County Parks Advisory Board. All voting "Aye".

**19225 AUTHORIZE THE COUNTY JUDGE TO ACCEPT GRANTS FROM THE TEXAS HISTORICAL COMMISSION FOR THE HAYS COUNTY PRESERVATION PLAN, AND NATIONAL REGISTER NOMINATION FOR DOWNTOWN BUDA HISTORIC DISTRICT (\$8,550.00)**

The Texas Historical Commission has allocated a \$3,750 grant and a \$4,800 grant to Hays County in conjunction with participation in the FY2001 Certified Local Government Program. Funds required are \$5,700 of which \$3,000 is budgeted in the Hays County Historical Commission budget and the remaining \$2,700 in private donations. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize the County Judge to accept grants from Texas Historical Commission for Hays County Preservation Plan and National Register Nomination for downtown Buda Historic District in the amount of \$8,550.00. All voting "Aye".

**19226 GRANT A VARIANCE TO MINIMUM LOT SIZE FOR QUARRY SPRINGS, SECTION 2 LOTS 22-25 [T1-389]**

Environmental Health Director Allen Walther advised that this subdivision backs up against Hunter Road (TxDot plans are currently underway to widen Hunter Road). Additional right-of-way is needed for the Hunter Road expansion project which will reduce these four lots to below the minimum requirements (smallest lot will be 0.47ac) which will most likely require additional costs in developing the lots (OSSF's are likely to be more costly than usual). To facilitate development, they may need to consider combining these four lots into two. He gave staff recommendation for approval of variance request. A motion was made by Commissioner Burnett, seconded by Commissioner Carter to grant a variance to minimum lot size for Lots 22-25 Quarry Springs Section 2. All voting "Aye".

**19227 WOODLAND ESTATES SECTION 2 PHASE B [00-4-070] \* APPROVE REVISED FINAL PLAT [T1-436]**

Environmental Health Director Allen Walther advised that the final plat document was never filed and an error has been corrected (had to move a common lot line to increase the size of one lot that was below minimum size) - he gave staff recommendation for approval of revised plat. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Revised Final Plat of "Woodland Estates Section 2 Phase B. All voting "Aye".



**19228 RESUBDIVISION OF FOREST WOODS ESTATES LOT1A [01-4-006] \* APPROVE PRELIMINARY PLAT [T1-460]**

Property Owner Jack Lynch proposes to divide Lot 1A Forest Woods Estates into two lots: Lot 1-A1 = 6.71 acres and Lot 1-A2 = 3.31 acres. Environmental Health Director Allen Walther gave staff recommendation for approval of preliminary plat. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plat of "Forest Woods Estates Resubdivision of Lot 1-A". All voting "Aye".

**19229 LITTLE BELL SUBDIVISION [00-4-123] \* APPROVE PRELIMINARY PLAT [T1-474]**

Environmental Health Director Allen Walther advised that this is a four lot subdivision and will access off a privately maintained road (per an agreement to maintain) - there will be a shared access driveway. He gave staff recommendation for approval of preliminary plat. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plat of "Little Bell Subdivision". All voting "Aye".

**19230 APPROVE A RESOLUTION SUPPORTING TEXAS COMMUNITY MENTAL HEALTH AND MENTAL RETARDATION CENTERS SEEKING SUPPORT FOR COMMUNITY MENTAL HEALTH AND MENTAL RETARDATION SERVICES AND AUTHORIZE COUNTY JUDGE TO SIGN A LETTER TO STATE SENATORS AND REPRESENTATIVES SHOWING SUPPORT OF THIS CAUSE [T1-498]**

Tammy Allen (Hill Country Community MHMR Center Board of Trustee's Liaison) appeared before the court and spoke of funding levels needed to provide adequate services - she spoke of number of people served and services provided. She spoke of difficulty in retention of staff and requested support. A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve a Resolution Supporting Texas Community Mental Health and Mental Retardation Centers seeking support for Community Mental Health and Mental Retardation Services and authorize the County Judge to sign a letter to State Senators and Representatives showing support of this cause. All voting "Aye".

**STATE OF TEXAS       \***  
**COUNTY OF HAYS       \***

**RESOLUTION #2000  
 SUPPORTING TEXAS COMMUNITY MENTAL HEALTH  
 AND RETARDATION CENTERS**

**WHEREAS**, the operating budgets of Community MHMR Centers (42) involve consumers and all levels of government, and while the creative and incentive financing of these services is noteworthy; still, however, in the final analysis community services are financed substantially less than the national average; and

**WHEREAS**, crisis, emergency, respite and support services for those who have critical needs are less available today. This community "Safety Net" is a major adjunct to community healthcare and the local criminal justice system. It prevents unnecessary hospitalization, institutionalization, and criminalization; and

**WHEREAS**, there are 23,000 Texans on the waiting list for community MHMR services as of December, 1999. A large number among the MHMR priority population seek but do not receive services. Families of persons on waiting lists are jeopardized since they, in many cases, are the only caretakers. In many cases family members have to give up employment to assist in the care and treatment of a family member with a mental disability for which no treatment is available; and

**WHEREAS**, general revenue funds unrestricted by federal program requirements provide cost-effective opportunities to meet discrete consumer needs at the local, community level; and

**WHEREAS**, preventing criminal behavior and recidivism with community MHMR treatment and services benefits the consumer, the community and the State of Texas; and

**WHEREAS**, TDMHMR's efforts to address equity in response to a rider in the 76<sup>th</sup> Legislature can only be met if there is a MAJOR increase in funds statewide for community MHMR services; and

**NOW, THEREFORE BE IT RESOLVED** that the Commissioner's court of Hays County, duly convened and acting in its capacity as the governing body of Hays County does hereby support additional State funding for Community Mental Health and Mental Retardation Services. All Texans benefit when their families, friends, and neighbors can obtain the services they need to maintain good health and be productive members of their community. Texas ranks 43<sup>rd</sup> nationally and Texas CAN DO BETTER!

**PASSED AND APPROVED** this 16<sup>th</sup> day of January, 2001.



**19231 APPOINT CHARLES BLANKENSHIP TO REPLACE MARGIE MOORE AS A HAYS COUNTY REPRESENTATIVE ON THE HILL COUNTRY MHMR COMMUNITY CENTER BOARD OF DIRECTORS [T1-561]**

A letter was received by the County Judge regarding appointment of Charles Blankenship on November 9, 2000. That appointment was made earlier than the required thirty day advertisement period for the position, therefore, it is necessary to make that appointment again at this time. Tammy Allen, Liaison for the Hill Country MHMR Community Center spoke in support of appointment of Charles Blankenship. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to appoint Charles Blankenship to replace Margie Moore as a Hays County representative on the Hill Country MHMR Community Center Board of Directors. All voting "Aye".

**19232 APPROVE APPOINTMENTS TO THE HAYS COUNTY PARKS ADVISORY BOARD FOR A TERM TO EXPIRE DECEMBER 31, 2001 [T1-581]**

Caroline Sheffer-Vogel spoke of By-Laws and active members. The Board is requesting reappointment of 18 members – leaving 7 vacancies. She requested the court to accept resignation of Rob Robinson and replace him with Patrick Kerwin and to appoint Susan Lefler, H.A. "Spider" Williams, Kathryn Nichols, Johnny Armstead, and Hill Rylander to five of the seven vacancies. Commissioner Carter pointed out that the advisory board being composed of 25 members, each member of Commissioners Court shall appoint 5 of those members and she feels like the recommended list should have originated from individual Commissioners. Caroline Vogel spoke of this being the recommendations of the Advisory Board and she is not aware of what precincts each member represents. Commissioner Molenaar spoke of Commissioners' Court early involvement in the Parks Board – different organizations, school district, etc. were involved in the creation of the board and since that time the number of members have been reduced. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to reappoint David Baker, Pamela Showalter, Jim Camp, Joe Cox, Paula Hamilton, Delton Hudson, Bill Johnson, Jackie Craig, John Hohn, Pat Moore, Sean Murphy, Jack Mynier, Chris North, Harrell Robinson, John Sanford, Carolyn Sheffer-Vogel, W. G. White, and Curt Busk; accept the resignation of Rob Robinson and replace him with Patrick Kerwin; and to furthermore appoint new members Susan Lefler, H. A. "Spider" Williams, Kathryn Nichols, Johnny Armstead, and Hill Rylander to the Hays County Parks Advisory Board for a term to expire December 31, 2001. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter abstained.

**19233 APPROVE APPOINTMENT JOHN MCNICHOL TO THE HAYS COUNTY PARKS ADVISORY BOARD FOR A TERM TO EXPIRE DECEMBER 31, 2001 [T1-662]**

Commissioner Carter stated that she had sent her list of appointments (Jackie Craig, Paula Hamilton, Pat Moore, and John McNichol) in prior to the previous item on the agenda and she wanted to make sure that the three ladies who have done such an outstanding job be recognized. She stated that John McNichol is a former Park Ranger and will add a lot to the group. Judge Powers spoke of accomplishments of the Parks Board and he commended them. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve appointment of John McNichol to the Hays County Parks Advisory Board for a term to expire December 31, 2001. All voting "Aye".

**19234 ACCEPT QUALIFICATIONS OF CONSTABLE PCT. 4 DEBRA A. BROWN PURSUANT TO SECTION 86.0021 OF THE LOCAL GOVERNMENT CODE [T1-714]**

Commissioner Molenaar spoke of new legislation that requires a person first elected or appointed to the office of Constable to provide to the Commissioners' Court evidence that the constable has been issued a permanent peace officer license under Chapter 415, Government Code. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to accept qualifications of Constable Pct. 4 Debra A. Brown pursuant to Section 86.0021 of the Local Government Code. All voting "Aye".

**19235 APPROVE AND CONFIRM THE APPOINTMENT OF SCOTT HELPENSTELL AS DEPUTY CONSTABLE PCT. 4, PURSUANT TO LOCAL GOVERNMENT CODE 86.011**

[T1-729] Commissioner Molenaar spoke of statute requiring approval of appointment of a Deputy Constable. A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve and confirm the appointment of Scott Helpenstell as Deputy Constable Pct. 4 pursuant to Local Government Code 86.011. All voting "Aye".



**19236 TABLE ACTION APPROVING AN INTERLOCAL AGREEMENT WITH THE CITY OF NIEDERWALD FOR HAYS COUNTY TO APPLY AND ENFORCE THE CITY SUBDIVISION REGULATIONS TO LAND PROPOSED FOR PLAT OR SUBDIVISION THAT IS PARTIALLY IN THE UNINCORPORATED AREA OF HAYS COUNTY AND PARTIALLY IN THE CORPORATE LIMITS AND/OR EXTRATERRITORIAL JURISDICTION OF NIEDERWALD [T1-750]**

Niederwald Mayor Rickie Adkins appeared requesting the court to approve an interlocal agreement that would allow the city's subdivision ordinance to prevail within a tract of land not in the ETJ but which is a part of a larger tract that does lie within the city limits or ETJ – this would help with consistency within the cities. The City's Attorney, County Special Counsel, and Allen Walther have reviewed this issue. She spoke of seeing tracts of land partially within the city limits/ETJ and partially outside which can result in a lesser quality of construction and denser development for the portion outside of the city limits/ETJ. Commissioner Carter spoke of problems with greater density and she supports this request. Mayor Adkins spoke of problems with septic systems due to soil conditions. Niederwald Planning & Zoning Chairman J. L. Howze spoke of need to control density. Allen Walther, Environmental Health Director, agrees that counties need more authority - he is concerned about legality of the county's authority to extend a city's authority. [T1-900] Commissioner Molenaar read from the Government Code 791.011 - we must have the same authority as the other governmental entity before we can enter into an interlocal agreement. Commissioner Carter stated that the interlocal agreement may be terminated at any time, for any reason, by either party. She suggested referring this to David Brooks to get his legal opinion on it. Commissioner Burnett advised that other municipalities in the county (and outside the county) will be interested in this as well - this would increase the corporate city limits as far as subdivision approval goes. Rickie Adkins spoke of a subdivision (manufactured homes) lying half within the city ETJ and half within the county - they did new double-wide manufactured homes within the city portion and used single-wide mobile homes in the county portion. Environmental Health Director Allen Walther spoke of city's authority to do zoning and adopt building codes – there are areas where we can participate (where we have the same authority), however, where our authorities differ, we could not allow them to extend their authority. Commissioner Carter referred to backup material presented by Terrence S. Welch regarding platting laws. A motion was made by Commissioner Carter to approve an interlocal agreement with the City of Niederwald. Motion died for lack of a second. Commissioner Ingalsbe spoke of waiting until we get an opinion from David Brooks. Commissioner Burnett and Commissioner Molenaar stated that they support the intent. Judge Powers spoke of need to be site specific – he has talked with other Mayors of other cities in the county. Allen Walther spoke of need to identify areas where there is joint authority. J. L. Howze spoke of soil structure east of IH35 differing from those in the hill country – he feels like there are site specific areas. Judge Powers spoke in support of the concept but he would like to table this item for one-two weeks for further research. Mayor Adkins advised that time is of the essence in this matter. She advised that they received an opinion from the State Attorney General's office. Commissioner Carter spoke of a new proposed development in the area. A motion was made by Judge Powers, seconded by Commissioner Carter to table this item for two weeks and allow staff, Commissioner Ingalsbe and Commissioner Carter to work on this project. All voting "Aye".

**19237 AUTHORIZE JOEL BARNARD TO PLACE THE "OLD HOSPITAL PROPERTY" ON THE MARKET FOR SALE PURSUANT TO SECTION 263.008 OF THE TEXAS LOCAL GOVERNMENT CODE [T1-1360]**

Realtor Joel Barnard spoke of establishing value of the old hospital property (Don Graham appraised the property) - the appraised value is now \$6.00 per sq ft - he recommended listing the property for the entire tract (EMS building & CARTS parking lot) - he advised that it would be the responsibility of the county to deal with contract with CARTS and relocation of EMS building. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to authorize Joel Barnard to place the "old hospital property" on the market for sale at \$2,240,000.00 pursuant to Section 263.008 of the Texas Local Government Code. All voting "Aye".

Court was adjourned.

**MINUTES APPROVED IN OPEN COURT ON THE 23<sup>rd</sup> DAY OF JANUARY, 2001.**

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

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

