



STATE OF TEXAS ①
 COUNTY OF HAYS ①

ON THIS THE 30TH DAY OF JANUARY A.D., 2001, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

PRESENTATION OF EMPLOYEE SERVICE PINS

The following employees were presented with service pins: Building Maintenance Supervisor Ron Knott presented a 15 year service pin to Herminia "Minnie" Tamayo. Sheriff Don Montague presented a 10 year service pin to Vicki Brodbeck and he will be presenting a 5 year pin to Fernando Amayo (corrections officer). County Auditor Bill Herzog presented a 10 year service pin to Berry James. Personnel Director Stephanie Trahan (on behalf of Constable 1 Lupe Cruz) presented a 10 year service pin to Deputy Constable Stephen Velasquez. County Court at Law Judge Howard Warner accepted the 10 year service pin for County Court at Law Judge Linda Rodriguez who was not able to appear.

PRESENTATION BY PLUM CREEK CONSERVATION DISTRICT

J. Fredric Bell, Executive Secretary of the Plum Creek Conservation District, spoke of creation of the Plum Creek Conservation District – their purpose was to develop flood control systems. The original plan was for 36 flood control structures - 8 of the original structures were taken out of the plan and 28 current structures were built (12 in Hays County). Due to changes in the law, the District now has the responsibility of an underground water district which monitors the quality and distribution of water. Flood structures were built by federal money but are maintained by local tax money. He spoke of problem being faced today is urbanization. He spoke of how the structures operate (release water in flooding situations). Mr. Bell spoke of flood of 1998 causing the spillways to function. He spoke of people attempting to build in storage areas. There are easements in place, however, he feels like not many people are aware of what those easements mean. Commissioner Carter asked about problems with the Negley Ranch development. Mr. Bell spoke of verbal agreements with developers that had to be re-enforced and he spoke of using structures as roadways and golf courses built on berm spillways (structure #1). Mr. Bell spoke of need to be aware of the structures and easements. He spoke of specific easements and the responsibility of the district and the property owner. Mr Bell spoke of fencing around the structures to prevent overgrazing. Commissioner Carter submitted a letter from Plum Creek Conservation District President James Holt, Jr. which she asked to put into the record.

Hays County Commissioners Court
 111 E. San Antonio
 San Marcos, Tx 78666

Dear Commissioners,

Plum Creek Conservation District has become aware of an accelerating rate of growth of subdivisions in Hays and Caldwell Counties. As subdivision development increases, some of the new subdivisions inevitably will be upon lands covered by easements held by the Plum Creek Conservation District authorizing temporary storage or release of floodwaters in connection with the District's floodwater retarding structures.

Each of the District's structures has a certain design rating. That rating, however, is based upon design conditions existing at the time the structures were built. Development conditions may lead to a change in runoff characteristics and a consequent change in structure ratings.

It has also come to the attention of the District that some subdivisions may be planned with drain fields in areas covered by flowage easement held by the District. In those circumstances, septic tanks and drain fields could actually be under water at times. The District recommends that potential individual homesite owners, as well as developers of planned subdivisions, be advised about the existence of the structures and flood easements of the District, where the county officials deem it appropriate to do so. The District also recommends that the appropriate county officials take flood plain location into consideration when reviewing applications for septic tank systems.

We are confident that you, as we, do not wish to encourage development in areas of high risk, such as in flood plains, or development of the nature which could contribute to pollution, such as location of septic tanks or drain fields of septic tanks in lakes, without the necessary instructions and any appropriate design precautions being implement.

We appreciate your cooperation in this matter, and we will be glad to communicate with appropriate officials to be sure you have accurate and complete information about our structures.



PUBLIC COMMENTS

[T1-292] John Garcia (resident of Cole Springs Road/Buda) spoke of patching that has been done on Cole Springs Road - he requested reconstruction of that road. Mr. Garcia read from and presented a list of questions he has for the court: *Ê What is the actual % for Prec. 2 [on funding] Ë What is the % between Prec. 2 & 4 Ì Who allocates funding for each prec. Í What is considered prio as a project for a road Î Who and how makes decision where funding is going to each prec. Ï I would like to request a weekly progress report on spending for each road Ð Need stats for last 3 years on reconstruction for prec. 2 & 4 Ñ Request per behalf of citizens of Hays that we need audit on prec. Roads for prec. 2 & 4 Ò (his address & telephone no.) Ó When are we going to see a reconstruction for Cole Springs Rd., Buda?* Mr. Garcia stated that Dripping Springs always gets the highest funding and if you go to east & west of 35, Niederwald, Kyle and Buda the roads are really bad. Commissioner Burnett asked Mr. Garcia for a list of where his statistics are coming from (about the money) and where it is being distributed throughout the county. The court was unable to answer Mr. Garcia's questions since they were presented during the public comment session, however, they will attempt to address his concerns.

[T1-338] Paul Watkins (former Dripping Springs School Board member) stated that in the matter of full disclosure he wants it known that he has discussed the comments he is about to give earlier with the Dripping Springs School Supt, Judge Powers, Commissioner Molenaar and the Dripping Springs City Council. Mr. Watkins spoke of 17 planned or in the process developments (5,000 new homes) in the Dripping Springs ISD. Within the developments he has reviewed, the homes will generally be priced at \$400,000 or higher. Consequently these upper-tier homes will continue to drive housing prices within the district and county to ever higher levels. In some respects that will be good for the county but in other respects it is bad. Increasing housing prices are depriving the very people who work in our school districts and our community from being able to live in our districts and communities – our teachers, administrative people, maintenance people, and others can't afford to live here anymore. The recruiting of good people to fill positions in the school districts is made that much more difficult. With influx of new homes there will also be increased requirements for the schools – building schools takes an extensive amount of time (needs assessment must be completed, land must be located, community must be involved and have input, bond process must play out and construction process must be completed). Mr. Watkins asked the court to support an initiative he believes will help alleviate the pressures these issues bring to the communities within the county. He asked for support of an initiative with the City of Dripping Springs, Dripping Springs ISD, and he hopes the Hays CISD and other communities to require developers to set aside land for parks, land for schools, and land for housing that is moderately priced so that teachers, etc. can afford to live in their community. He asked that this be incorporated into the county development rules. Judge Powers asked him to attend the next Mayors meeting.

19250 APPROVE THE COMMISSIONERS' COURT MINUTES OF JANUARY 23, 2001

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve the Commissioners' Court Minutes of January 23, 2001 as presented by the County Clerk. All voting "Aye".

19251 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 \$82,823.18 as presented by the County Auditor. All voting "Aye".

Vouchers Payable	\$ 11,221.32	Slate Shared Rev	\$ 3,033.24	Public Safety Services	\$ 47,360.00
Fines	\$ 1,951.40	Auditors Office	\$ 404.93	Treasurers Office	\$ 1,433.23
Extension Office	\$ 1,593.67	Juvenile Probation	\$ 2,359.47	Election Administration	\$ 50.00
Comm & Social Svcs	\$ 2,083.33	Indigent Care	R 1,611.56	Transfer Station	\$ 521.76
Building Maint. Dept.	\$ 16,419.57	Environmental Health	\$ 2,033.68	Civic Center	\$ 3,715.27
Countywide Operating	\$ 27,767.65	Tax Assessor-Collector	\$ 179.89	District Clerk's Office	\$ 181.17
Sheriffs Office	\$ 14,271.62	Jail Operations	\$ 57,349.38	County Judge's Ofc	\$ 239.18
Co Court at Law 1	\$ 50.00	District Attorneys Ofc	\$ 5,498.00	Justice of the Peace 1-1	\$ 75.20
Justice of the Peace 1-2	\$ 7.07	Justice of the Peace 3	\$ 29.96	Justice of the Peace 5	\$ 526.39
Dept of Public Safety	\$ 781.78	Constable 1	\$ 45.15	Constable 4	\$ 105.32
Constable 5	\$ 197.14	District Court Oper	\$ 12,324.76	Co & JP Court Oper	\$ 1,233.19
Veterans Adm Office	\$ 20.17	Computer Services	\$ 1,305.22	DPS/License & Weights	\$ 409.75
Fire Marshal /EMC	\$ 1,954.11	TABC Office	\$ 101.60	TJPC CCAP Grant	\$ 1,743.28
Assoc Judge/Family Law	\$ 13.17	Comm Court Expenses	\$ 188.42	Bulletproof Vests Grant	\$ 4,725.00
Truancy Officer Grant	\$ 57.79	911 Addressing Mtc Grnt	\$ 67.27	General Fund Credit	<\$173.22>
Road & Bridge Operations	\$ 117,574.98	Precinct 1	\$ 42.00	Precinct 2	\$ 832.09
Precinct 3	\$ 46.33	R&B Gen Fund Credit	<\$59.35>	Sheriff Abandon Veh	\$ 178.12
Hays Co Parks Fund	\$ 856.99	Records Mng/Co Clerk	\$ 435.69	Health Svcs Grants	\$ 3,810.45
Law Library Fund	\$ 2,839.00	Sheriff Special Projects	\$ 22.36	Sheriffs Drug Forf Fund	\$ 1,324.20
Family Health Svcs Fund	\$ 14,092.07	Court Reporters Svc Fund	\$ 524.00	Disaster Buyout Mitig	\$ 6,814.81
Tobacco Settlement Fund	\$ 6,421.60				



19252 APPROVE BUDGET AMENDMENT #01-10

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Budget Amendment #01-10 as proposed by the County Auditor. All voting "Aye".

AMENDMENT NO. 2001-10 FY 2001 BUDGET 1-30-01				
FUND NO. 01				
FUND TITLE GENERAL FUND				
LINE ITEM - EXPENDITURES	APPROPRIATION BEFORE		APPROPRIATION AS	
	AMENDMENT	INCREASES	DECREASES	AMENDED
THC-NATIONAL REGISTER NOMINATION/BUDA (719):				
01-719-5448 Consultant	-0-	4,260		4,260
01-719-5311 Travel	-0-	150		150
01-719-5219 Supplies	-0-	390		390
		<u>4,800</u>		
REVENUE:		DECREASE:	INCREASE:	
01-381-4719 THC/NRN-Buda	-0-	<u>4,800</u>		
THC PRESERVATION PLAN (718):				
01-718-5448 Consultant	-0-	6,000		6,000
01-718-5311 Travel	-0-	250		250
		<u>6,250</u>		
REVENUE:		DECREASE:	INCREASE:	
01-381-4718 THC/PP Grant	-0-	3,750		3,750
01-367-4490 Private Contribution/Historical-	-0-	2,500		2,500
		<u>6,250</u>		
<i>Budget Grants accepted by Commissioners' Court on 1-16-01</i>				

19253 APPROVE UTILITY PERMITS #01439-01442

UTILITY PERMIT #	COUNTY ROAD	UTILITY COMPANY
01439	CR232/Redwood Road	Bluebonnet Electric
01440	CR129/Cotton Gin Road	Time Warner Cable
01441	Bluff Trail/Bear Creek Est	Hill Country Water Supply
01442	CR320@Shadywood Subd	GTE

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Utility Permits #01439, 01440, 01442, & 01442 as submitted by the Hays County Road Department. All voting "Aye".

Clerk's Note: There were no applications for refund of double payments and/or overpayments on taxes submitted by the County Tax Assessor-Collector.

19254 RENEW ANNUAL STRIPING CONTRACT WITH UNITED RENTALS - BID #20B003 - AS PROVIDED FOR IN ORIGINAL CONTRACT

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to renew annual striping contract with United Rentals – Bid #20B003 – as provided in original contract. All voting "Aye".

19255 APPROVE SPECIFICATIONS FOR THE ANNUAL HAULING SERVICES CONTRACT FOR THE ROAD DEPARTMENT AND AUTHORIZE PURCHASING TO SOLICIT FOR BIDS

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve specifications for the annual hauling services contract for the Road Department and authorize Purchasing Dept. to solicit for bids. All voting "Aye".



19256 APPROVE ROAD NAME DESIGNATION OF "MONDRAGON LANE" TO A PRIVATE DRIVEWAY LOCATED OFF OF GOFORTH ROAD [T1-475]

Environmental Health Director Allen Walther advised that there is currently one house and two new houses proposed on this private driveway. He stated that staff approves this road name designation. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve road name designation of "Mondragon Lane" to a private driveway located off Goforth Road. [see map/written request in file]. All voting "Aye".

19257 APPOINTMENTS TO THE HAYS COUNTY HISTORICAL COMMISSION [T1-509]

Kate Johnson, HCHC Chair, appeared before the court requesting appointment of members to the Hays County Historical Commission - there are a few new appointments (Mavis Woolsey, Jerry Kolacny, & Jim Saenz). A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to appoint Jane Moss, Barbara Barton Younts, Carol Whisemant, Mavis Ervine Woolsey, Mary P. Bonner, Jerry Kolacny, Santiago (Jim) Saenz, Ofelia Vasquez-Philo, Katherine Cannon, Elvin Holt, Frances Stovall, Ann M. Strom, Kate Johnson, Mary Compton, James F. Green, and Raymond Lankford. All voting "Aye".

Clerk's Note: Agenda Item Re: ROLLING MEADOWS SECTIONS 2 & 3 final plat was pulled from the agenda [subdivision name was posted incorrectly]

19258 ALLOW TWO COUNTY EMPLOYEES IN THE ROAD DEPARTMENT TO OCCUPY THE SAME POSITION FOR TRAINING PURPOSES FOR AN ADDITIONAL TWO WEEKS [T1-538]

County Road Supt/Engineer Jerry Borcharding spoke of personnel policy allowing two people to hold the same position for 2 weeks. He requested that the court allow J.P. Garza and Roger Ramos to occupy the same Foreman slot for an additional two weeks for training purposes. A motion was made by Commissioner Molenaar Seconded by Commissioner Carter to allow two county employees in the Road Department to occupy the same position for training purposes for an additional two weeks. All voting "Aye".

19259 TEXAS DEPARTMENT OF TRANSPORTATION'S PROJECT STATUS REPORT AND ACTION TO FORM A COMMITTEE TO EVALUATE [T1-554]

County Road Supt/Engineer Jerry Borcharding spoke of TXDOT letter informing the county of their project schedule for the next five years in Hays County. Several of the projects will require the purchase of additional right of way to upgrade the roadway to a desirable width. They will be providing estimates of how much right of way will be needed for each roadway as soon as possible. They will also give some guidance in calculating the cost of the ROW if requested. Jerry Borcharding stated that the court needs to be involved in these projects so that we can piggyback on some of these projects with county projects. He felt like the county may need to go out for a bond issue for cost-sharing. Commissioner Burnett spoke of need to determine how much ROW will be required so that we will know how much money is needed to acquire the ROW. Commissioner Burnett suggested putting together a committee to evaluate these projects. Commissioner Carter suggested having workshops so that everyone will be involved. Commissioner Burnett advised that the court will clearly have to be involved 100%. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to form a committee composed of Commissioner Ingalsbe, Commissioner Burnett, County Road Supt/Engineer Jerry Borcharding, and County Auditor Bill Herzog to do research on these roadways, try to get some cost estimates to come back to the court with. All voting "Aye". [See copy of Report in file]

Clerk's Note: Agenda Item: ESTABLISH NEW POSITIONS IN THE ROAD DEPARTMENT was pulled.

WORKSHOP ON COMMISSIONERS COURT AGENDA, AGENDA ITEMS, DECORUM, AND MEETING SCHEDULE [T1-776]

Commissioner Carter spoke of not being able to do enough research on agenda items and she would like to hold meetings on Thursday instead of Tuesday. Commissioner Molenaar stated that he prefers having meetings on Monday's (picking up packets on Thursday). Commissioner Burnett prefers having meetings on Tuesday. Special Counsel Jacqueline Cullom Murphy spoke of rules and procedures that have been adopted requiring backup materials for agenda items. [T1-921] Jacqueline Cullom Murphy spoke of agenda notice posted being different from the agenda packet used by the Court to prepare you for your vote (they are two different things). Commissioner Carter suggested that members of the court not talk at the same time - we need to give the public the respect they deserve. She spoke of agendas: she sees developers/subdivisions coming on the agenda before other public items - she would like for subdivisions to be last on the agenda. Judge Powers spoke of moving items up if the public is involved. Commissioner Molenaar advised that subdivisions have filled up this courtroom with people and he feels like the current system is OK - he would like consent items to be more limited - most items should be action items. Jacqueline Cullom Murphy commended the court for allowing public comments right up front - it is not required that the public be allowed to speak - the open meetings act only allows the public to come and see what you are doing. She spoke of recent Attorney General's seminar she attended in which our agenda was shown as an example of being a great agenda.



Judge Powers feels like we do a lot to allow public comments - he feels like this court takes care of business - he likes the way the agenda is currently. He feels like the 3 minute time limit keeps people from expressing their personal political views and get to the point and deal with it. His office is open to any citizen to talk about their problems and he welcomes the discussion. Judge Powers spoke of people grandstanding for the press - we are not here for the press, we are here for the people of Hays County. [T1-1105] Commissioner Carter felt like there is not consistency in the agenda items - when do you put items on consent and when on as action items? Judge Powers spoke of need to clarify this - he can see that reappointments would be on consent and new appointments on action. Commissioner Burnett spoke of being allowed to pull any item from consent. County Clerk Lee Carlisle spoke of re-occurring items that are placed on the consent agenda - he feels like those should be on as consent items. Jacqueline Cullom Murphy advised that consent items are put there to save time - she asked for clarification. Commissioner Ingalsbe felt like new appointments should be an action item and reappointments should be consent items. Sue Basham stated that she would rather put all appointments as action items. [T1-1245] Commissioner Carter spoke of David Brook's opinion of "operation of government" - who sets the agenda of the court? - the answer is that it is the Commissioners' Court - it is controlled and determined by the court itself - she feels like when we send something, it needs to not be changed (change the essence of it). Commissioner Burnett spoke of need to make sure that items are posted correctly and legally. Jacqueline Cullom Murphy spoke of legal requirement to provide adequate sufficient notice to the public of what the court is going to consider. [T1-1320] She spoke of weekly meeting held in the County Judge's office - agenda request forms are not changed - pursuant to the rules passed by the Commissioners Court, the County Judge is in charge of setting the agenda (the posted notice). Judge Powers spoke of need to be committed to the current rules. Jacqueline Cullom Murphy spoke of need to go through the current county rules, provide clarification, and consider allowing the County Clerk's office to prepare the agenda rather than the County Judge's office. The Court took a 5 minute break and Commissioner Burnett did not return for the remainder of the meeting. [T1-1377] Judge Powers spoke of looking at the idea of moving agenda preparation to the County Clerk. Lee Carlisle, County Clerk, stated that he did not ask for this duty, it will be another work burden put on his staff, however, he can see where the County Clerk is a logical place for it to exist (an administrative duty). If we have tight well constructed rules and definitions he has no problem with taking it over. Jacqueline Cullom Murphy stated that the law (AG's opinion JM63 drafted by David Brooks) states that the court as a whole decides this through your rules. She stated that staff has not changed any commissioner's topic. Commissioner Molenaar spoke of need for procedure to make sure that wording on the agenda is correct and legal. Judge Powers spoke of cases where the court could possibly be in the middle of a pending lawsuit, then we should be able to not place an items regarding that issue on the agenda. Commissioner Molenaar spoke of need for staff to tell us whether or not we should place things on the agenda. He spoke of weekly staff meetings - he is opposed to staff deleting items but he supports staff conferring with Commissioners regarding changes, etc. Commissioner Molenaar spoke in support of backup documentation but stated that it is not required by law. Commissioner Ingalsbe felt like backup materials is important. Jacqueline Cullom Murphy spoke of need for at least a summary of what court action is being sought. Commissioner Molenaar spoke of need to add materials that are obtained after the deadline. Jacqueline Cullom Murphy stated that the goal is to have everything in the packet to be considered. Commissioner Molenaar stated that the court could table items if there is not enough information available. Lee Carlisle spoke of clerk compiling the agenda based on agenda items submitted. Judge Powers spoke of need to clarify consent, the deadline, the backup, [T1-1840] and the staffs role in preparing the agenda (legal staff, environmental health, auditor, etc). Commissioner Molenaar spoke of need for legal backup for all agenda items (staff has the right to provide backup). Lee Carlisle stated that he will not have any of his people argued with or argued at regarding the agenda. Commissioner Molenaar spoke of need to give staff sufficient time to prepare the agenda. Jacqueline Cullom Murphy suggested staff preparing a draft for consideration. Discussion was had regarding number of copies to be submitted for preparation of packets (7 books + 11) anything over 20 pages you should provide 6 copies. Sue Basham (County Judge staff) spoke of depts. getting their paperwork ready (invoices, subdivisions, etc). Staff will go through the current rules, make proposed amendments, and bring it back to the court for workshop consideration.

Court adjourned.

MINUTES APPROVED IN OPEN COURT ON THE 6th DAY OF FEBRUARY, 2001.

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

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

