



STATE OF TEXAS ①
 COUNTY OF HAYS ①

ON THIS THE 20TH DAY OF MARCH, A.D., 2001, 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
 LINDA C. FRITSCHÉ**

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

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

Clerk's Note: The posted agenda item for a joint meeting between the Hays County Commissioners' Court and the Hays County Juvenile Board in Executive Session to meet with legal counsel to discuss the ongoing legal issues related to the Hays County Juvenile Detention Facility including a discussion relating to the agreement between the Hays County Juvenile Board and Southwest Initiatives, Inc. regarding operation of the current facility was pulled. No discussion and no action taken.

19344 ADOPT A PROCLAMATION DECLARING THE WEEK OF MARCH 18-24, 2001, AS NATIONAL AGRICULTURE WEEK IN HAYS COUNTY

Jock Davis spoke on behalf of Commissioner Susan Cones and the Texas Dept. of Agriculture - he asked the court to join them in honoring the farmers and ranchers who's dedication and commitment to the land and the people of Texas, to make our agricultural industry viable. A motion was made by Judge Powers, seconded by Commissioner Carter to adopt a Proclamation declaring the week of March 18-24, 2001 as "National Agriculture Week in Hays County". All voting "Aye".

**PROCLAMATION OF THE HAYS COUNTY COMMISSIONERS' COURT
 Declaring March 18-24 as "National Agriculture Week in Hays County"**

WHEREAS, the week of March 18-24, 2001, is NATIONAL AGRICULTURE WEEK IN TEXAS, as proclaimed by Texas Agriculture Commissioner Susan Combs; and

WHEREAS, throughout our history people have confirmed the vast resources of our land; and

WHEREAS, Sam Houston reported to the President of the United States, "I have traveled near 500 miles across Texas, and am now enabled to judge pretty near correctly of the soil, and the resources of the Country, and I have no hesitancy in pronouncing it the finest country to its extent upon the globe;" and

WHEREAS, T. R. Fehrenbach wrote, "Our ancestors came to Texas in search of land. And land became the basis of the Texas dream;" and

WHEREAS, Davy Crockett said, "I must say as to what I have seen of Texas, it is the garden spot of the world, the best land and the best prospects for health I ever saw, and I do believe it is a fortune to any man to come here;" and

WHEREAS, the food we eat, the clothes we wear, the houses in which we live, the flowers and plants we enjoy are all rooted in one industry - Agriculture; and

WHEREAS, Texas farmers and ranchers have made agriculture the second-largest industry, generating \$80 billion for the state's economy; and

WHEREAS, Texas is the nation's leading producer of cattle, sheep, goats, horses, wool, mohair and cotton. The state is also one of the top producers of vegetables, citrus, peanuts, pecans, grain sorghum, rice, sugarcane and wheat; and

WHEREAS, the Lone Star State leads the nation in the number of farms and ranches, with almost 80 percent of the land involved in some form of agricultural production - including livestock, crops, aquaculture, horticulture and forestry; and

WHEREAS, Texas farmers and ranchers exemplify a rich tradition of producing food and fiber to meet growing global demands.

NOW, THEREFORE, BE IT RESOLVED that the Hays County Commissioners' Court declares this NATIONAL AGRICULTURE WEEK IN HAYS COUNTY.

BE IT, FURTHER, RESOLVED that the Commissioners' Court urges everyone in Hays County to learn more about the role of agriculture here, share that knowledge with the young people in our area, and recognize the farmers, ranchers and their families who contribute so much to this county, this state, this nation and the world.

THEREFORE, IN OFFICIAL RECOGNITION WHEREOF, we, the undersigned do hereby affix our signatures this 20th day of March, 2001.



19345 APPROVE THE COMMISSIONERS' COURT MINUTES OF MARCH 6, 2001 & MARCH 9, 2001

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the Commissioners' Court Minutes of March 6, 2001 and March 9, 2001 as presented by the Court Clerk. All voting "Aye".

19346 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$ 245,321.05 (3/13/01 disbursements) and \$397,738.99 (3/20/01 disbursements) as presented by the County Auditor. All voting "Aye".

3/13/01 disbursements = \$245,321.05

Licenses & Permits	\$ 2,570.00	Public Safety Services	\$ 24,361.00	Auditor's Office	\$ 491.53
Treasurer's Office	\$ 491.53	Extension Office	\$ 466.78	Grants Administration	\$ 810.80
Juvenile Probation Office	\$ 903.50	Election Administration Office	\$ 403.24	Indigent Care	\$ 1,560.22
Transfer Station	\$ 1,112.47	Bldg. Mtc. Dept.	\$ 6,780.18	Environmental Health	\$ 2,836.68
Civic Center	\$ 389.72	Countywide Operating	\$ 24,874.11	Tax Assessor-Collector Ofc	\$ 896.36
District Clerk's Office	\$ 2,944.71	Sheriff's Office	\$ 20,063.63	Jail Operations	\$ 10,469.72
County Judge's Office	\$ 341.17	Co Court at Law 1	\$ 248.52	District Attorney's Office	\$ 7,997.09
Justice of the Peace 1-1	\$ 77.02	Justice of the Peace 1-2	\$ 188.67	Justice of the Peace 2	\$ 254.26
Justice of the Peace 3	\$ 68.02	Justice of the Peace 4	\$ 32.25	Justice of the Peace 5	\$ 120.00
Dept of Public Safety	\$ 526.75	Constable 1	\$ 98.57	Constable 2	\$ 108.68
Constable 3	\$ 71.55	Constable 5	\$ 125.08	District Court Operations	\$ 5,626.93
Co & JP Court Operations	\$ 1,661.21	Computer Services	\$ 4,205.87	DPS/License & Weights	\$ 20.70
Fire Marshal/EMC Office	\$ 501.73	District Court Reporters	\$ 76.47	Assoc. Judge/Family Law	\$ 50.16
Special Counsel Office	\$ 323.60	CJD/VOCA Grant	\$ 163.81	CJD/VAWA Grant	\$ 1,527.83
CAPCO/911 Address Mtc Grant	\$ 218.57	General Fund Credit	<\$ 282.01>	Road & Bridge Operations	\$ 64,000.24
Precinct 1	\$ 117.71	Precinct 2	\$ 501.38	Precinct 3	\$ 463.04
Precinct 4	\$ 149.89	Road Reconstruction	\$ 6,658.30	R&B General Fund Credit	<\$80.39>
Sheriffs Abandoned Veh Fund	\$ 92.44	Hays County Parks Fund	\$ 268.45	Records Management/Co Clerk	\$ 1,560.64
Health Services Grants	\$ 274.00	Law Library Fund	\$ 574.90	Sheriffs Special Projects Fund	\$ 103.40
Courthouse Security Fund	\$ 56.06	Sheriff's Drug Forfeiture Fund	\$ 1,379.29	Family Health Services Fund	\$ 1,759.69
TDED Stellar Plastics Grant	\$ 2,072.63	Court Reporters Service Fund	\$ 400.00	TDED/Ace in the Hills Grant	\$ 184.77
Tobacco Settlement Fund	\$ 38,093.08				

3/20/01 disbursements = \$397,738.99

Licenses & Permits	\$ 14.60	Fines	\$ 750.00	Auditors Office	\$ 402.22
Treasurer's Office	\$ 173.25	Extension Office	\$ 887.01	Juvenile Probation Office	\$ 629.41
Election Administration Office	\$ 4.58	Indigent Care	\$ 57.96	Transfer Station	\$ 4,740.32
Building Maintenance Dept.	\$ 13,047.91	Environmental Health	\$ 429.66	Civic Center	\$ 664.92
Countywide Operating	\$ 76,864.29	Tax Assessor-collector Office	\$ 104.02	District Clerk's Office	\$ 10.00
Sheriff's Office	\$ 9,477.02	Jail Operations	\$ 24,570.74	County Judge's Office	\$ 1.02
County Court at Law 1	\$ 199.50	District Attorney's Office	\$ 851.10	Justice of the Peace 1-1	\$ 145.00
Justice of the Peace 1-2	\$ 216.86	Justice of the Peace 2	\$ 406.31	Justice of the Peace 3	\$ 243.21
Justice of the Peace 4	\$ 273.58	Justice of the Peace 5	\$ 19.95	Dept of Public Safety	\$ 167.65
Constable 1	\$ 63.99	Constable 2	\$ 1,104.95	Constable 3	\$ 19.40
District court Operations	\$ 3,491.32	Veterans Admin Office	\$ 35.02	Computer Services	\$ 1,251.00
Dept of Public Safety/L&W	\$ 569.71	Fire Marshal/EMC Office	\$ 152.25	TABC Office	\$ 113.35
TJPC CCAP Grant	\$ 8,949.00	Commissioners' Court Expenses	\$ 357.52	Bulletproof Vest Grant	\$ 945.00
CJD/VOCA grant	\$ 153.67	CAPCO/Waste Task Force Grant	\$ 9.53	General Fund Credit	<\$567.87>
Road & Bridge Operations	\$ 225,629.94	Precinct 3	\$ 1,275.87	Precinct 4	\$ 257.00
Sheriffs Abandoned Veh Fund	\$ 150.00	Anticip Notes '95 Project Fund	\$ 1,724.00	Hays County Parks Fund	\$ 1,071.83
Records Management/Co Clerk	\$ 7,311.33	Health Services Grants	\$ 5.40	Law Library	\$ 7,408.09
Sheriff's Special Projects Fund	\$ 63.42	Courthouse Security Fund	\$ 384.90	Sheriffs Drug Forfeiture Fund	\$ 22.50
Family Health Services Fund	\$ 555.64	Disaster Buyout Mitigation Fund	\$ 30.00		

19347 APPROVE BUDGET AMENDMENT #01-16

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Amendment No. 01-16 as proposed by the County Auditor. All voting "Aye".

AMENDMENT NO. 2001-16 FY 2001 BUDGET 3-13-01				
FUND NO. 01 FUND TITLE GENERAL FUND				
	APPROPRIATION BEFORE AMENDMENT	AMENDMENT INCREASES DECREASES		APPROPRIATION AS AMENDED
LINE ITEM - EXPENDITURES				
COMPUTER SERVICES (456):				
01-456-5421 County-wide Maintenance	19,296	7,000		26,296
01-456-5712 Data Proc Equipment	61,055		(7,000)	54,055
Transfer for needed maintenance expense				

**19348 APPROVE UTILITY PERMITS ISSUED BY THE ROAD DEPARTMENT**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Utility Permit #01454 on CR127/High Road issued to Bluebonnet Electric and #01455 on Loop North issued to Goforth Water. All voting "Aye".

19349 AWARD ANNUAL CONTRACT FOR HAULING SERVICES TO THOMAS-N-THOMAS AND PNEU ROCK TRANSPORTATIONS

Bids were received from Thomas-N-Thomas Inc., Pneu Rock Transportations, and Earth Transport Co. and have been reviewed by Purchasing and the Road Dept. Their recommendation was to award items #1-5 to Thomas-N-Thomas Inc. and items #6-20 to Pneu Rock Transportations. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to award annual contract for hauling services to Thomas-N-Thomas Inc. and Pneu Rock Transportations as recommended by Purchasing and Road Dept. All voting "Aye".

19350 AUTHORIZE REBID OF CEDAR OAKS MESA WATER SYSTEM PROJECT

No bids were received. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize rebid of Cedar Oaks Mesa Water System Project. All voting "Aye".

19351 AWARD 3500 GALLON WATER TANK BID #2001-B20 TO CENTRAL MACHINE WORKS IN THE AMOUNT OF \$6,890.00

Bids were received from Central Machines Works (Austin) = \$6,890 w/no deviations and Imperial Tank Co., Inc. (San Antonio) = \$7,460 w/omission of spec#5. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to award 3500 gallon water tank bid #2001-B20 to Central Machine Works in the amount of \$6,890.00 to be purchased from budget line item #03-438-5714 (road equipment). All voting "Aye".

19352 APPROVE PURCHASE OF "EYEWITNESS" IN CAR VIDEO SYSTEM FOR THE SHERIFF'S DEPARTMENT PURSUANT TO LOCAL GOVERNMENT CODE 262.024 EXEMPTIONS (#7-D)

The eyewitness in car video systems will be interfaced with existing radar units to make one complete unit in county patrol cars. Tech Grants (line item #44-721-5717) is providing for 4 units at a total cost of \$17,740.00. Commissioners' Court must grant the exemption of component purchases from the bidding process. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve purchase of "eyewitness" in car video system for the Sheriff's Department pursuant to Local Government Code 262.024 Exemptions (#7-D). All voting "Aye".

19353 APPROVE PLACING CINDY MAIORKA IN PURCHASING AGENT POSITION AT GRADE 33, STEP 2, EFFECTIVE MARCH 5, 2001

County Auditor Bill Herzog advised that Cindy Maiorka and Debbie Bilbrey have agreed to switch positions. Cindy Maiorka will be the Purchasing Agent and Debbie Bilbrey will be the Assistant Purchasing Agent. Cindy has adequate experience to be placed in Step 2 as allowed by the county's personnel policy. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve placing Cindy Maiorka in the Purchasing Agent position at Grade 33 Step 2 effective March 5, 2001. All voting "Aye".

19354 REAPPOINT JANA ASHFORD, JOHN MCCAUGHAN AND JOYCE "TOMMY" POER TO NORTHEAST HAYS COUNTY EMERGENCY SERVICES DISTRICT #2 BOARD

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to reappoint Jana Ashford, John McCaughan, and Joyce "Tommy" Poer to the Northeast Hays County Emergency Services District #2 Board. All voting "Aye".

19355 REAPPOINT LEROY HARGETT, ROBERT GUINN, AND JIM WEATHERFORD TO NORTHEAST HAYS COUNTY RURAL FIRE PREVENTION DISTRICT

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to reappoint Leroy Hargett, Robert Guinn, and Jim Weatherford to the Northeast Hays County Rural Fire Prevention District. All voting "Aye".

19356 REAPPOINT TED ARABIAN, LYLE BOLINGER, SUSAN MECKEL, AND BETH SMITH TO HAYS COUNTY RURAL FIRE PREVENTION DISTRICT #5

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to reappoint Ted Arabian, Lyle Bolinger, Susan Meckel, and Beth Smith to the Hays County Rural Fire Prevention District #5. All voting "Aye".



19357 ADOPT A RESOLUTION SUPPORTING DRIPPING SPRINGS INDEPENDENT SCHOOL DISTRICT LEGISLATION [T1-115]

Mary Ward spoke of concerns regarding population growth in the Dripping Springs area. She also spoke of need to develop legislation, rules and/or procedures. We need to ensure that land is available for parks, schools, and housing. She spoke of need to support the workforce in finding affordable housing for people working in the community and school district in order to maintain quality in our school district and to provide property for schools. Mrs. Ward is requesting that the court consider adopting a resolution to support the school's efforts to resolve these issues. A motion was made by Commissioner Molenaar, seconded by Judge Powers to adopt a resolution supporting Dripping Springs Independent School District Legislation. All voting "Aye".

**Resolution Supporting
Dripping Springs Independent
School District Legislation**

WHEREAS, the Dripping Springs Independent School District and Hays County are desirable places to live and raise a family; and

WHEREAS, the Dripping Springs Independent School District and Hays County are experiencing rapid growth and continuing development; and

WHEREAS, the nature of most of the development in Hays County and particularly in the Dripping Springs School District is higher end residential development; and

WHEREAS, the increasing density will challenge the ability of cities, county and school districts to meet the needs of the growing population especially in the areas of parks and recreation, schools, and available housing; and

WHEREAS, the workforce needed to support the increased population as reflected in the growing student enrollment in the Hays County schools is not able to find available or affordable housing allowing them to live in the communities in which they work; and

WHEREAS, the housing limitations and costs inhibits recruiting teachers, administrators and support staff required to deliver educational services to the ever increasing student enrollment; and

WHEREAS, the Hays County Commissioners Court believes it to be in the best interest of the district, city and county to work collaboratively to address these issues; and

WHEREAS, the Hays County Commissioners Court supports these same entities working with significant developers in the County to dedicate appropriate resources for parks, schools, and housing.

NOW, THEREFORE, BE IT RESOLVED on this 20th day of March, 2001, that the Hays County Commissioners' Court hereby declares its commitment to pursue the development of legislation, rules and/or procedures to address the concerns stated herein.

ADOPTED this 20th day of March, 2001.

19358 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR \$215,153 TO THE U.S. DEPT. OF JUSTICE COPS OFFICE FOR THE SHERIFF'S OFFICE, AND TO SIGN CONTRACT IF APPROVED [T1-228]

Grants Administrator Richard Salmon advised that a grant application will be submitted to the U.S. Dept. of Justice Community Oriented Policing Services (COPS) Program. Grant and matching funds of \$71,717 will be used to purchase 43 mobile computers with wireless communication capabilities and software for the Hays County Sheriff's Office. At present, county patrol deputies spend approximately 30 minutes driving to and from substations to file their incident reports. This grant gives the officer the capability to complete and transmit their reports from their vehicles, thereby saving time which can be redeployed into other law enforcement efforts. This grant will increase the efficiency of 43 patrol officers in the Sheriff's Department. Deputy Sheriff Skip Casteel explained how the computers will be used in the patrol vehicles – it will also free up dispatchers from running license plates. These are ruggedized computers and they will be upgradeable. Commissioner Carter stated that she is not comfortable approving this when the required matching funds are not already budgeted. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize the County Judge to submit a grant application for \$215,153 to the U.S. Dept. of Justice COPS Office for the Sheriff's Office and to sign contract if approved. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No". MOTION PASSED



19359 RESUBDIVISION OF BURNETT RANCH, LOT 8 (AKA LOTS 8-A, 8-B, 8-C, AND 8-D OF BURNETT RANCH SUBDIVISION) [01-3-015] * PUBLIC HEARING AND APPROVE FINAL PLAT [T1-377]

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 a notice was published and proper notification was made. He gave staff recommendation for final plat approval. Property Owner Bonnie Buenger is dividing Lot 8 into four lots (8-A, 8-B, 8-C, & 8-D) with access on Post Oak Road and Circle Drive. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat on "Resubdivision of Lot 8 of Burnett Ranch Subdivision". All voting "Aye".

19360 FLORENCE A. TURCK ESTATES [01-4-001] * APPROVE FINAL PLAT [T1-397]

Environmental Health Director Allen Walther spoke of this being a 2 lot subdivision - he gave staff recommendation for final approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Florence A. Turck Estates". All voting "Aye".

19361 RESUBDIVISION OF MEADOW VISTA, SECTION 1, LOTS 1-3 [01-2-113] * APPROVE PRELIMINARY PLAT [T1-406]

Developer is dividing three lots into four. Environmental Health Director Allen Walther gave staff recommendation for approval of preliminary plat. A motion was made by Commissioner Carter, seconded by Commissioner Burnett to approve preliminary plat of "Meadow Vista Section 1 Resubdivision of Lots 1-3". All voting "Aye".

19362 LITTLE STAR RANCH [01-4-027] * APPROVE PRELIMINARY PLAT [T1-420]

Environmental Health Director Allen Walther advised that property owners James & Anita McCabe proposed to create a two lot subdivision (Lot 1 = 3.93 ac. Lot 2 = 6.07 ac.) on FM150. He gave staff recommendation for preliminary approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plat of "Little Star Ranch". All voting "Aye".

19363 SUNSET HILL SUBDIVISION [99a-2-053] * APPROVE EXTENSION OF TIME TO GAIN PRELIMINARY PLAT APPROVAL [T1-433]

Environmental Health Director Allen Walther advised that this subdivision was granted an extension for preliminary approval August 29, 2000. According to Joe Martinez they have had difficulty getting the topographical information finished due to inclement weather and a backlog of work for their engineers and surveyors. This extension request is for 90 additional days to achieve preliminary approval. Staff has no objection to granting the extension. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve extension of time (90 days) to gain preliminary plat approval on "Sunset Hill Subdivision". All voting "Aye".

19364 CALL FOR A PUBLIC HEARING TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS (SPEED LIMIT) ON KEMP HILLS DRIVE IN THE DRIPPING SPRINGS AREA ON MARCH 27, 2001 [T1-449]

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to call for a public hearing to consider establishing traffic regulations (speed limit) on Kemp Hills Drive in the Dripping Springs area on March 27, 2001. All voting "Aye".

19365 ADOPT A RESOLUTION IN SUPPORT OF THE 1-HOUR NATIONAL AMBIENT AIR QUALITY STANDARD FOR OZONE [T1-471]

Wade Thomason, Executive Director of Clean Air Force of Texas, seeking support of resolution allowing possibility of negotiating an agreement with the EPA and TNRCC. He spoke of Supreme Court ruling and the mission of the coalition. He spoke of creation of ozone, 8hour ozone standard, regional monitoring sites. He spoke of non-attainment and how it affects the 5county MSA (Metropolitan Statistical Area). He spoke of sources of the problems (42% on road, 33% non road, 4% area, 13% point/industrial, & 8% Biogenics/plant life). He spoke of weather influences on ozone formation. He spoke of principles for cleaner air and the O3 Flex Plan (allows flexibility in the way we address the problems). He spoke of efforts to get us back into attainment through local strategies. Mr. Thomason spoke of plan implementation costs, joint letter of intent, secure stakeholder participation, coordinate with stakeholders, emission reduction plan development through memorandum of agreement. Strategies: transportation control measures, expanded use of alternative fuels or low emission vehicles, employer trip reduction programs, and vehicles inspection and maintenance program. Judge Powers spoke of his frustration - the cars backing up on the highways are causing the problem and they penalize you by withholding funds for road improvements. Mr. Thomason spoke of need to develop control strategies by the end of this year. He spoke of Williamson County, Travis County, and Hays County would have all the strategies applied to them because of their location along IH35. A motion was made by Judge Powers, seconded by Commissioner Carter to adopt a resolution in support of the 1-hour National Ambient Air Quality Standard for ozone. All voting "Aye".



RESOLUTION

WHEREAS, the local governments within the Metropolitan Statistical Area of Central Texas, including the geographical counties of Bastrop, Caldwell, Hays, Travis and Williamson, recognize that they are in near-violation of the 1-hour National Ambient Air Quality Standards (NAAQS) for ozone; and

WHEREAS, the EPA, Region 6 has proposed a O₃ Flex Plan option that would assist local governments who are pro-actively seeking a means to remain in attainment with the NAAQS; and

WHEREAS, such a Plan would achieve air quality and public health benefits by implementing early voluntary pollution control measures for ozone tailored to local conditions before air quality standard violations occur or before Federal measures are mandated; and

WHEREAS, the O₃ Flex Plan is a voluntary local approach to ozone attainment whose purpose is to encourage early emissions reductions that will keep the area in attainment of the 1-hour standard, while also starting to provide benefits envisioned under the 8-hour ozone standard; and

WHEREAS, the O₃ Flex Plan is implemented through an intergovernmental agreement between EPA, the State of Texas and the local community; and

WHEREAS, it is our understanding that such area may be allowed all available options, incentives and other flexibilities pertaining to the 8-hour ozone standard; and

WHEREAS, it is the understanding of the signatory local governments that EPA will allow all available options, incentives, and other flexibilities pertaining to the 8-hour ozone standard when it becomes applicable; and

WHEREAS, to the extent possible voluntary emission control measures would be creditable to any future planning efforts to comply with the 1-hour standard, as well as the 8-hour standard.

NOW, THEREFORE, BE IT RESOLVED that Hays County intends to develop, in coordination with other local governments, EPA and TNRCC, a memorandum of agreement leading toward the formulation of an O₃ Flex Plan for Central Texas, and further, Hays County agrees to implement voluntary pollution control measures appropriate to its jurisdiction that would help to maintain the 1-hour National Ambient Air Quality Standard for ozone within the Central Texas Area.

Adopted this 20th day of March, 2001.

19366 AUTHORIZE THE COUNTY JUDGE TO SIGN ORDERS CALLING FOR PUBLIC HEARINGS ON APRIL 17, 2001, ON THE CREATION OF THE GREENHAWE WATER CONTROL AND IMPROVEMENT DISTRICTS (WCID) NUMBERS 1 AND 2

[T1-1298]Attorney Charlene Collins spoke of filing petitions for creation of two Water Control and Improvement Districts. The Court needs to call a public hearing. The district would primarily be a residential area and creation of the WCID would be a method of providing water to development. The date for the public hearing is April 17th. Commissioner Carter asked about the benefits to Hays County. Mrs. Collins stated that it allows for a centralized water system to promote conservation of natural resources. Commissioner Carter spoke of concerns that water promotes development and that promotes wastewater and she asked that this issue be addressed at the public hearing. A motion was made by Judge Powers, seconded by Commissioner Carter to authorize the County Judge to sign Orders calling for public hearings on April 17, 2001 on the creation of the Greenhawe Water Control and Improvement Districts (WCID) Numbers 1 and 2. All voting "Aye".

THE STATE OF TEXAS §
COUNTY OF HAYS §

ORDER SETTING HEARING DATE FOR PETITION REQUESTING CREATION OF A WATER CONTROL AND IMPROVEMENT DISTRICT (GREENHAWE WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1)

WHEREAS, there has come on for consideration the filing and setting of a hearing date for the Petition Requesting Creation of a Water Control and Improvement District, petitioning for creation of Greenhawe Water Control and Improvement District No. 1 to be situated within Hays County, Texas;

WHEREAS, said Petition appears to conform in all respects to the requirements of Section 51.014 of the Texas Water code;

WHEREAS, Section 51.017 of the Texas Water Code requires the County Judge to issue an order setting the date of hearing on the Petition by the Commissioners' Court; and

NOW, THEREFORE, based upon the foregoing, it is hereby ORDERED, ADJUDGED AND DECREED:

I.

The Petition Requesting Creation of a Water Control and Improvement District, petitioning for creation of Greenhawe Water Control and Improvement District No. 1 is hereby accepted and set for public hearing before Commissioners Court at 10:00 a.m., on April 17, 2001, at the Hays County Courthouse, San Marcos, Hays County, Texas, in accordance with the terms and provisions of Government code, Chapter 551.

II.

Notice of the public hearing for the Petition shall be posted and published in the form set out in Exhibit "A", attached hereto and such posting to be accomplished at the County Courthouse door 15 days before the date of hearing and with such publication to be in a newspaper of general circulation in Hays County, Texas once a week for two consecutive weeks with the first newspaper publication at least 20 days before the date of the hearing, all in accordance with Section 51.018 Texas Water Code.



THE STATE OF TEXAS §
 COUNTY OF HAYS §

**ORDER SETTING HEARING DATE FOR PETITION REQUESTING
 CREATION OF A WATER CONTROL AND IMPROVEMENT DISTRICT
 (GREENHAWE WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2)**

WHEREAS, there has come on for consideration the filing and setting of a hearing date for the Petition Requesting Creation of a Water Control and Improvement District, petitioning for creation of Greenhawe Water Control and Improvement District No. 2 to be situated within Hays County, Texas;

WHEREAS, said Petition appears to conform in all respects to the requirements of Section 51.014 of the Texas Water code;

WHEREAS, Section 51.017 of the Texas Water Code requires the County Judge to issue an order setting the date of hearing on the Petition by the Commissioners' Court; and

NOW, THEREFORE, based upon the foregoing, it is hereby ORDERED, ADJUDGED AND DECREED:

I.

The Petition Requesting Creation of a Water Control and Improvement District, petitioning for creation of Greenhawe Water Control and Improvement District No. 2 is hereby accepted and set for public hearing before Commissioners Court at 10:00 a.m., on April 17, 2001, at the Hays County Courthouse, San Marcos, Hays County, Texas, in accordance with the terms and provisions of Government code, Chapter 551.

II.

Notice of the public hearing for the Petition shall be posted and published in the form set out in Exhibit "A", attached hereto and such posting to be accomplished at the County Courthouse door 15 days before the date of hearing and with such publication to be in a newspaper of general circulation in Hays County, Texas once a week for two consecutive weeks with the first newspaper publication at least 20 days before the date of the hearing, all in accordance with Section 51.018 Texas Water Code.

19367 ADOPT A RESOLUTION IN SUPPORT OF SENATE BILL 873, AMENDING THE LOCAL GOVERNMENT CODE CHAPTER 232 BY ADDING NEW SUBCHAPTER D

[T1-1394] Commissioner Ingalsbe spoke of this Senate Bill will provide urban counties (counties with a population of 100,000 or more, or a county adjacent to a county with a population of 100,000 or more) with several authorities currently used by cities to plan and provide for infrastructure needed for development. Some of those authorities would be to establish right-of-way widths adequate for major thoroughfares of not more than 150 feet, authority to establish set back limits without the current four year limitation imposed on counties, and imposing impact fees. All of this would be done by an order of the commissioners court and after notice has been published in the newspaper. She read the resolution. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to adopt a resolution in support of Senate Bill 873 amending the Local Government Code Chapter 232 by adding new Subchapter D. All voting "Aye".

**A RESOLUTION OF THE
 COMMISSIONERS COURT OF HAYS COUNTY, TEXAS
 REQUESTING THE STATE LEGISLATURE APPROVE
 SB 873**

WHEREAS, Hays County is a rapidly urbanizing county within a Priority Groundwater Management Area, facing problems of limited groundwater availability, aquifer protection, endangered species protection, and with limited and outdated infrastructure; and

WHEREAS, Hays County expects the 2000 census to confirm a population of near or over 100,000, and already is adjacent to a county with a population over 100,000 and within the same Metropolitan Statistical Area as designated by the United States Census Bureau; and

WHEREAS, increasing numbers of citizens have contacted members of the court requesting increased regulatory and planning authority for the county in order to protect and preserve our special quality of life and our county's unique historical, cultural, and environmental assets.

NOW, THEREFORE, BE IT RESOLVED THAT the Commissioners Court of Hays County requests the Texas Legislature approve Senate Bill 873 amending Chapter 232, Local Government Code, adding Subchapter D "Infrastructure Planning Provisions in certain Urban Counties".

Adopted this the 20th day of March, 2001.



19368 TERMINATE CONTRACT WITH YARRINGTON ROAD MATERIALS AND AWARD TO COLORADO MATERIALS [T1-1462]

County Road Supt/Engineer Jerry Borcharding spoke of current vendor Yarrington Road Materials being unable to provide materials as needed and he recommends awarding contract to second lowest bidder Colorado Materials. Commissioner Molenaar spoke of need for alternate sources. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to terminate contract with Yarrington Road Materials and award to Colorado Materials. All voting "Aye".

19369 APPOINT MELISSA FALCON AND KIM MORSE CORCLOVA TO THE HAYS COUNTY HISTORICAL COMMISSION FOR A TWO-YEAR TERM EXPIRING DECEMBER 2002

[T1-1522] Kate Johnson spoke of qualifications of these nominees and requested their appointment. A motion was made by Commissioner Molenaar, seconded by Judge Powers to appoint Melissa Falcon and Kim Morse Corclova to the Hays County Historical Commission for a two-year term expiring December 31, 2002. All voting "Aye".

19370 APPROVE PAYMENT FROM MEDICAL AND DENTAL FUND FOR HEALTH CHECK 2001 ON HAYS COUNTY ELIGIBLE EMPLOYEES AND DEPENDENTS [T1-1550]

Central Texas Medical Center will offer Health Check for the 15th year. Health Check is a community wide celebration of health that averages an annual attendance of over 900 people. The event offers a variety of health screening activities including blood pressure, height/weight, fitness assessments, vision and glaucoma screenings, and a cardiac profile blood draw which identifies a total cholesterol level including a HDL/LDL breakdown, triglycerides, glucose, white blood cell count, and hemoglobin. An optional prostate specific antigen (PSA) test will be available to men. Health Check will be held on Thursday April 26th from 7AM – 6PM at Central Texas Medical Center. The fee is \$22 per person for over \$350 worth of screenings. The optional PSA test will be available at an additional fee of \$15. Commissioner Ingalsbe spoke of savings for employees. County Personal Health Director Gay Helmy spoke of insurance committee meeting and opportunity for employees to participate in Health Check 2001. On April 26th employees could attend the health fair and learn about health issues (will take approximately one hour minimum). On March 29 & 30 CTMC will come on sight at the courthouse to do blood draws, etc. (or employees can go to the hospital for their blood draw). A printout regarding results of the blood draw will be made available to the employee on April 26th. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve payment from the county's Medical and Dental fund for Health Check 2001 on Hays County eligible employees and dependents. All voting "Aye".

Clerk's Note: Agenda Item #29 RE: REQUEST FROM RANDALL MORRIS TO HAVE THE COUNTY OWNED 50-FOOT STRIP (JOINS OLD HOSPITAL PROPERTY) THAT RUNS BETWEEN HIS TWO PROPERTIES ZONED COMMERCIAL was pulled. No discussion and no action taken.

19371 DISCUSSION REGARDING AMENDING THE BUDGET TO PROVIDE ADDITIONAL FUNDING FOR JUVENILE DETENTION SERVICES [T1-1707]

County Auditor Bill Herzog advised that the current juvenile detention operator will no longer be operating this facility after March 30th – the Hays County Juvenile Board is negotiating with another company (no county discount and no free beds) and a budget amendment will be necessary. We will be losing revenues and expenses will be going up. Special Counsel Jacqueline Cullom Murphy spoke of Texsom (current operator) hearing on the 26th in federal bankruptcy court - the Juvenile Board will have another meeting this week and will come back to the Commissioners' Court next week in an executive session. Judge Powers spoke of juvenile board operating independently of the Commissioners Court. Jacqueline Cullom Murphy spoke of legal authority of the Juvenile Board - they can enter into a contract without Commissioner Court approval - state funds are used for this contract but a budget amendment would be necessary. The Juvenile Board does want to work with the Commissioners' Court to resolve this issue. Judge Powers advised that the contract has been approved subject to a budget amendment. Commissioner Molenaar spoke of funding for Juvenile detention. Judge Powers spoke of revenue to be made if the facility is full. There may not be a negative budget impact - residency at this time is low because of the turmoil. Judge Powers spoke of Juvenile Board meeting in which they awarded an interim contract and he is concerned about liability of that board if we do not take budgetary action. Commissioner Molenaar spoke of this being an emergency issue and we could use reserve funds. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to table action until next week (March 27th) and to request Special Counsel and the County Auditor to have discussions with the current operators to see if an alternative plan can be brought before the court. All voting "Aye".



19372 DISCUSSION WITH ACTION REGARDING CONTRACTS FOR BUILDING AND/OR OPERATING THE NEW HAYS COUNTY JUVENILE DETENTION CENTER AND RELEVANT INFORMATION [T1-2108]

Commissioner Carter spoke of citizens wanting answers to questions regarding juvenile detention. Commissioner Molenaar advised that the Bank technically owns the new facility and solutions are being worked on. Special Counsel Jacqueline Cullom Murphy advised that the owner is the Hays County Public Facility Corp. and she spoke of this being a complex transaction. Our strategy is to let the lender deal with that issue. The contractor is responsible for marketing the facility (it is a cooperative effort) and getting the contracts for the county. Jacqueline Cullom Murphy spoke of communication from Teksom (current operator) has been made available to members of the court and subsequent contact has been verbal. County Auditor Bill Herzog spoke of correspondence he has that can be provided to members of the court. Commissioner Molenaar stated that he does not think we should get involved with negotiations between the Juvenile Board and Contractors. Commissioner Carter spoke of Kerr County having been in a similar situation and they have taken over operation of their facility - capacity of 50 juveniles. She feels like we have a small number of juveniles to manage and we could manage our own. Commissioner Burnett stated that this could be an alternative to look at. The County Auditor is preparing cost estimates. Commissioner Molenaar spoke of space currently being used at the jail for juveniles that needs to be returned to the jail. He spoke of cost of lawsuits when operating these types of facilities. Bill Herzog spoke of debt on a new facility. [T1-2490] A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to request county auditor to put together cost for current facility (D wing of the jail) operation, cost to send juveniles out of county, and cost and revenues of the 70% completed juvenile facility. All voting "Aye". Judge Powers advised that we need to make sure we work with the Juvenile Board regarding this.

REQUEST TO INCREASE PUBLIC COMMENT TIME TO AT LEAST 5 MINUTES PER CITIZEN [T1-2548]

Commissioner Carter suggested increasing the public comment per citizen to 5 minutes instead of 3 minutes. A motion was made by Commissioner Carter to increase public comment time to at least 5 minutes per citizen. Motion died for lack of second. Commissioner Ingalsbe spoke of addressing this in the agenda guideline changes. Judge Powers advised that we are not here to limit public comment. Jacqueline Cullom Murphy spoke of three different forms of public comment (public hearings are not limited, public is allowed to comment on posted agenda items, public comment section allows public to comment on anything). Judge Powers advised that he is sometimes lenient on the time limit.

19373 ACTION TABLED TO ADOPT TRADITIONAL REDISTRICTING PRINCIPLES AS CRITERIA OF HAYS COUNTY COMMISSIONERS' COURT [T1-2682]

Commissioner Carter spoke of census figures being currently released and the court may wish to avoid lawsuits regarding redistricting by following the advice of many redistricting authorities by adopting the well-established traditional redistricting principles as criteria for Hays County redistricting in 2001. Those principles are as follows: (a) use identifiable natural or man-made boundaries such as rivers, roads, railroad tracks, etc. (b) maintain communities of interest and neighborhoods (c) recognize incumbent/constituent relationships by keeping incumbents in their precincts and avoiding contests between incumbents (d) use whole voting precincts (e) base the plan on existing districts (f) adopt districts of relatively equal size (g) draw districts that are compact and contiguous. *Sources: Anderson, Julie. Redistricting Countdown. County Progress. August 2000. (Penny Redington, attorney with Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel, L.L.P.) Guinn, David M. and Morrison, Michael D. County Government And You: Redistricting. The Institute of County Government at Texas A&M. Winter 2000.* Judge Powers spoke of need to contact the legal counsel that was hired by the redistricting committee to see if these principles are already being used. Commissioner Burnett spoke of this action implying that our committee is not following redistricting principles. Commissioner Carter spoke of risk for lawsuits and that this will be setting goals to work on instead of looking political. Commissioner Ingalsbe (a member of the redistricting committee) stated that these are important principles and the committee is following these principles and she is concerned about the integrity of the committee being questioned - she feels like this action is premature. Commissioner Carter advised that she has no problems with the committee - this is a safe well respected measure to take. A motion was made by Commissioner Carter, seconded by Judge Powers to table action to adopt traditional redistricting principles as criteria of Hays County Commissioners' Court at this time. All voting "Aye". Commissioner Molenaar advised that the census report reflects Hays County's population at 97,589.

19374 WAIVE COUNTY DEVELOPMENT FEES FOR WIMBERLEY VALLEY HABITAT FOR HUMANITY [T1-2899]

Environmental Health Director Allen Walther advised that Wimberley Valley Habitat for Humanity is proposing to build a home at 10 Canejo, Lot 17 Block 1 Eagle Rock, and is requesting waiver of fees. The \$10 fee to the State must be paid. Approval is consistent with past county policy and staff supports the request. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to waive county development fees for the Wimberley Valley Habitat for Humanity. All voting "Aye".



Clerk's Note: Agenda Item #35 RE: BIDS RECEIVED FOR THE PROPOSED NEW HEALTH DEPARTMENT BUILDING, AND INSTRUCT THE PURCHASING OFFICE TO RE-ADVERTISE was pulled. No discussion and no action taken.

DISCUSSION REGARDING TXDOT'S PROJECT LIST FOR HAYS COUNTY AND ESTIMATED ROW COSTS [T1-2957]

Commissioner Ingalsbe spoke of committee that was created to look at cost estimates based on the TxDot List of Projects [Project Status Report – For District Planning Purposes Only – Subject to Change]. County Road Supt/Engineer Jerry Borcharding spoke of developing a map of proposed roads that need to be worked in the county. Some are State Roads which will require county to acquire ROW (10% participation), some are new construction (Wimberley and San Marcos Loop) and will require 100% of R-O-W costs. The R-O-W acquisition cost for proposed State Road improvements will be approx. \$20 million and would require a bond issue to fund. There are county roads that it is critical for safety and traffic control issues that they be rebuilt (some with additional R-O-W) which would cost approx \$15 million (60-68 miles of roads). There are also safety and drainage issues such as removing low water crossing and improvements to bridges which would cost another \$5 million. He will meet with each Commissioner to go over what needs to be done and to set priorities in their precinct. Subdivision roads would not be a part of the bond. [T1-3178] Commissioner Carter stated that she would like to talk with Comal County because she is hearing that it is our duty to fund adequate road reconstruction on a yearly basis within our budget rather than a bond package - she is not convinced that we need a bond for county roads if we will focus our budget on those needs - she sees Comal County doing that. Commissioner Molenaar advised that Comal County went out for a bond issue and got all their roads upgraded to county standards and they are in a maintenance mode at this time – we are not in maintenance mode yet. Commissioner Ingalsbe stated that she does not want to see a tax increase. County Auditor Bill Herzog spoke of figures he received from First Southwest - we could refinance our debt at lower interest debt and we can issue debt and keep within our current debt rate. He spoke of another underwriter suggesting restructuring our debt and maintaining our tax rate. Judge Powers spoke of looking at our community as a whole and that we need to watch the economy. Commissioner Burnett spoke of State projects that are already funded at 90% for R-O-W and 100% for construction. Commissioner Carter spoke of putting State Projects on a separate bond issue. Commissioner Burnett spoke of need for additional discussion. Judge Powers stated that he appreciates the information received today.

Court was adjourned.

MINUTES APPROVED IN OPEN COURT ON THE 27th DAY OF MARCH, 2001.

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

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

