



STATE OF TEXAS □  
 COUNTY OF HAYS □

**ON THIS THE 3<sup>rd</sup> DAY OF APRIL, A.D., 2001, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:**

|                                 |                             |
|---------------------------------|-----------------------------|
| <b>DEBBIE GONZALES INGALSBE</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>         |

**WITH THE FOLLOWING MEMBER ABSENT: COUNTY JUDGE JAMES L. POWERS**

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

Senior Commissioners' Court member Russ Molenaar presided over the meeting due to the absence of County Judge Jim Powers. Commissioner Molenaar called the meeting to order and gave the invocation. Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

**PRESENTATION OF EMPLOYEE SERVICE PINS**

Commissioner Molenaar presented a 20 year service pin to Constable Pct. 1 Lupe Cruz. Civic Center Manager Guy Trimble presented a 15 year service pin to Paul Hernandez. Commissioner Molenaar presented a 15 year service pin to Extension Agent Susan Schramm.

**19393 ADOPT A PROCLAMATION RECOGNIZING THE WEEK OF APRIL 8-14, 2001, AS "PUBLIC SAFETY TELECOMMUNICATOR WEEK."**

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to adopt Proclamation recognizing the week of April 8-14, 2001 as "Public Safety Telecommunicator Week". All present voting "Aye".

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| <b>PROCLAMATION</b>   |   |
| <b>STATE OF TEXAS</b>   | * |
| <b>COUNTY OF HAYS</b>   | * |
| <i><b>WHEREAS,</b> the Hays county Commissioners' Court and the Hays County Sheriff's Office is committed to providing a high-quality emergency communications system to the citizens of Hays County; and</i> |   |
| <i><b>WHEREAS,</b> the Commissioners' Court recognizes the professional and unending services of the 9-1-1 Telecommunicators who answer 9-1-1 calls on a daily basis; and</i>                                 |   |
| <i><b>WHEREAS,</b> the 9-1-1 Telecommunicators are the link between people calling for help in an emergency situation and the emergency response agencies who arrive on the scene; and</i>                    |   |
| <i><b>WHEREAS,</b> the 9-1-1 Telecommunicators are the true backbone of the 9-1-1 system; and</i>   |   |
| <i><b>WHEREAS,</b> the President of the United States has historically acknowledged the second week of April as National Telecommunicator Week.</i>   |   |
| <i><b>NOW, THEREFORE, BE IT PROCLAIMED</b> by the Commissioners' Court of Hays County, Texas that the week of April 8-14, 2001 be recognized as</i>   |   |
| <i><b>"PUBLIC SAFETY TELECOMMUNICATOR WEEK"</b></i>   |   |
| <i>and do hereby call upon the citizens and officials to participate in observance of this special occasion.</i>  |   |
| <i>PROCLAMATION ADOPTED on the 3<sup>rd</sup> day of April, 2001.</i>   |   |

**PUBLIC COMMENT – HB3644**

Gary Bradley (Bradley Development) appeared before the Court and presented a letter he wrote to Austin Mayor Kirk Watson. That letter reads as follows:

Mayor Kirk Watson  
Members of the Austin City Council  
City of Austin

Dear Mayor and Council Members:

Today I will be contacting State Representative Rick Green asking him to withdraw House Bill 3644. The purpose of the proposed legislation was to create a taxing district in order to facilitate Lowe Enterprises Destination Resort Hotels desire to make a gift to the people of Central Texas.

During the settlement negotiations between the City of Austin, the Bradley Parties and the Circle C Homeowners Association, the City of Austin, mainly through Council member Slusher expressed an interest in acquiring portions of the Circle C property for the purpose of land preservation. To that end, an option agreement was negotiated between the Bradley Parties and the City. As part of those negotiations, the idea of creating a taxing district which encompassed the property surrounding the hotel/golf course project was discussed.

The idea behind the creation of the taxing district was relatively simple. Much earlier in the settlement negotiations, the City of Austin decided not to full purpose annex Circle C properties within Hays County, but to utilize limited purpose annexation instead. This approach allowed the City to control the development of the subject properties, but did not require them to provide services. Under State law, cities are not allowed to tax limited purpose annexation areas – no services, no taxes. There were also some compelling reasons regarding utility service that reinforced the City's decision to use limited purpose annexation. I think it is also fair to say that the citizens and elected officials of Hays County were not looking forward to Austin taxing its residents.

After the City of Austin made the decision regarding limited purpose annexation, then, by law, the hotel and golf course project could not be taxed by the City. After lengthy discussions and representatives of Lowe Enterprises Destination Resort Hotels, they, in an unprecedented decision, agreed to be voluntarily taxed. Further, they agreed to dedicate 25% of the tax revenues for the addition of environmental preserves, in keeping with the goals set by the citizens of Austin with the passage of Proposition 2.

It was the hope of some members of the Austin City Council and numerous leaders of the environmental community that, with the creation of the taxing district, a substantial and dependable source of funds from the private sector could be established.

After the settlement negotiations were concluded, I continued to study the legal and technical issues regarding the creation of the taxing district. I met with the City Manager, the City Attorney, the Mayor and Council Member Slusher on various occasions to discuss my progress. Bob Randolph from the law firm of Vincent and Elkins, Houston, was retained to draft the legislation that would be necessary to create the district. When Mr. Randolph was retained, I forwarded his name and telephone numbers to the City Manager and the City Attorney. The legislation that Mr. Randolph drafted was very similar to the dozens, if not hundreds, of taxing districts that have been created around the State, with the exception of the dedication of 25% of the tax revenues for environmental preservation, i.e. preserve acquisition and improvements.

Once I had a draft of the legislation from Mr. Randolph in February, I sent a copy to the City Attorney and asked him to review the legislation and distribute it to the members of the City Council for their review and comments. After this process, we were to meet again, and make any changes that the City Council desired. No one ever called me with any concerns or suggestions. The public notice for the bill was published in the Hays County newspaper where the district would be located. After publication of the notice, I still did not receive any calls or inquiries regarding the legislation.

I then gave a copy of the legislation to Representative Green and Senator Kenneth Armbrister. After their review, they suggested that ½ of the 25% dedicated to preserve acquisition be required to be spent in Hays County. During that same time frame, I approached the representatives of Lowe Enterprises about dedicating an additional 10% of the tax revenues to the Hays County Consolidated Independent School District Educational Foundation, given that the hotel was to be located within HCISD boundaries. Lowe Enterprises graciously agreed to do so.

I have had the pleasure of getting to know several of the Board Members of the Hays County Educational Foundation and I respect the tireless efforts they have made to help their school district which has a 50% minority enrollment, and a large economically disadvantaged student population, especially east of IH35 with practically no tax base, other than residential. All anyone has to do is ask any teacher within HCISD and they will tell you about the tremendous contribution the Foundation is making to the District and its children. Representative Green amended the legislation to incorporate the 10% gift to the HCISD Foundation.

It was unfortunate that the *Austin American Statesman* ran an article on the legislation before it was filed and before I had an opportunity to visit with each of the members of the Council as well as some of the elected officials in Hays County. By letter, I assured the City that I had no intention of moving forward with the legislation without the City's approval, but we needed to continue the process in order to meet the timetable of the state legislature. I met with Council Member Slusher last Friday to assure him that whatever changes the City desired regarding the legislation, I would be more than happy to accept. The only purpose of the legislation was to create an entity to collect taxes from the hotel after they voluntarily agreed to be taxed and to redistribute 35% of those funds to the community. The other 65% would be spent by the taxing district for the benefit of the hotel/golf course project.

Given the history of this situation, if someone legitimately feels that I have attempted to violate the settlement agreement in any way, I sincerely apologize. It was certainly not my intent. I also want to apologize to Lowe Enterprises, because I am sure that my involvement in this process has caused it to be much more controversial and misinterpreted than it should have been.

During these times when most corporations demand tax breaks and subsidies, I thought it was most refreshing that a corporation of Lowe's stature would choose to make such a large contribution without any fanfare or press conferences which usually accompany corporate gifts of any size. It is estimated that Lowe's gift would generate over \$1 million per year for land preservation and between \$300,000 and \$600,000 per year for the HCISD Foundation.

It is my hope that since I am withdrawing the legislation and terminating my involvement in the process that the Hays County Commissioners' Court, Senator Armbrister, Representative Green, the HCISD Foundation, the Hill Country Conservancy and the City of Austin will sit down together and find a way to draft legislation which will accomplish the goal that I so ineptly attempted.

Sincerely, Gary Bradley



[T1-259] Judy Carr presented members of the court with a letter from HCISD Superintendent Michael Hinojosa. She stated that she is speaking on behalf of the education foundation at the Hays CISD. She advised that the taxing district that Mr. Bradley is proposing is nothing but a win/win situation for Hays County and the Hays CISD Education Foundation. The Education Foundation is a very hard working entity – they held their first funders drive this year and raised \$180,000 after a very strong effort. The HCISD is growing by leaps and bounds and they have opened up three new elementary schools this year, just passed a new bond proposal, opening up another elementary school, buying property for another elementary school and are starting a second high school plus adding onto the high school they already have. Mrs. Carr spoke of money that could be generated by this taxing district (\$200,000-500,000) for the education foundation which could be used for innovative grants to expand the learning experiences in classrooms. This was a battle that Mr. Bradley did not have to undertake, he chose to do this to benefit Hays County and the Hays CISD. If this legislation is reintroduced she asked that the Commissioners' Court support it. The following is Mr. Hinojosa's letter to the Commissioners' Court:

Re: Special Taxing District on Spillar Ranch

Dear Members of the Court:

The Hays CISD is facing tremendous challenges due to the explosive growth in the district. Hays CISD is the second fastest growing district in the state with a growth rate of approximately 12 percent in the current year. As the district grows, it becomes imperative that the district access every possible resource to provide the quality education expected by our patrons.

Over one-third of the students in the school district are economically disadvantaged. Hays CISD is a property-poor school district and thus depends greatly on the homeowners for the local share of tax revenue. The Hays CISD Education Foundation is a recent venture that provides financial support to our school district for innovative programs for teachers, and recognition of our outstanding students and staff. The support generated from the foundation does not impact the local taxpayer.

The proposed taxing district on the Spillar Ranch would provide a source of revenue that would allow our vision of establishing an endowment foundation with constant revenue paid for by visitors to Hays County. Major corporations and individuals, who would utilize the resort, would assist in furthering the education of our children. I urge you to give this proposal strong favorable consideration.

Please contact me if further clarification is necessary.

Respectfully,

Michael Hinojosa  
Superintendent of Schools

**19394 ORDER CALLING A BOND ELECTION; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; ORDERING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND ENGAGING BOND COUNSEL REGARDING SAID ELECTION**

[T1-334] Two weeks ago the Court discussed the transportation needs as defined by the TXDOT priority schedule and by the county engineer's office. It is recommended that the court call for an election of the voters of Hays County for an estimated amount of \$50 million for roadway safety improvements and parkland acquisition. Commissioner Burnett spoke of parks committee that was set up over two years ago to work towards a master plan for parkland acquisition and open space acquisition and the infrastructure committee started working on the transportation plan and looking at the population figures for our county in the next 25 years. Constable Pct. 5 Billy Reeves spoke in support of whatever it takes to get our roads improved - he has five Farm-to-Market roads in his precinct that are grossly inadequate for the current traffic - he would pick FM1626 @ its intersections with FM967 as the one with the highest priority for improvement. Constable Reeves spoke of subdivisions in this area which have increased the traffic on FM1626 going into Travis County. He spoke of it being heavily traveled by gravel trucks and he spoke of fatalities on this roadway. Constable Pct. 1 Lupe Cruz spoke of traffic on the Old Bastrop Road – he would like to see a traffic light at its intersection with Redwood Road and he urged everyone to support the bond issue. Constable Pct. 3 Ron Magill spoke of traffic in Wimberley which has been caused by the growth. He spoke of need to improve the State roads and County roads in the Wimberley area. [T1-471] Nick Iccosipentarhos stated that he has lived here close to 25 years and it is not something that he cherishes to have to go into debts, the county go into debt, or have to borrow money for any reason other than safety. He stated that Ranch Road 12 should have been expanded 15 years ago – it is necessary for safety reasons (emergency vehicles) – the money has to be spent. Commissioner Burnett spoke of debt issue – we plan to structure this over a six year period – incrementally issuing the debt so that we can keep the current tax rate (taking into consideration the school district bond elections). [T1-515] J. L. Howze (resident of Neiderwald) spoke in support of proposed road improvements. [T1-533] Stan Livingston (Hunter Road resident) spoke of needed improvements to Hunter Road. He spoke of gravel trucks using this road as their main thoroughfare and doing damage to it. Mr. Livingston spoke of increased traffic because of The Outlet Mall creating safety issues on Hunter Road - there will

continue to be growth in this area – he supports the road bond.

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[T1-576] Patti Haffelder (Executive Director for North Hays County EMS) spoke of growth in this county being phenomenal - in 2001 they have logged in 192 accidents (108 were on RR12 & US290) - 7 people died because there is no turn lane on Hwy 290 - she spoke in support of improvements to make the roads safer. [T1-605] Sheriff Don Montague spoke in support of anything that will make SH290, RR12, FM1826, FM1626, RM967 safer – the increased growth is creating increased traffic and increased services. He spoke of an accident in 1989 which his daughter was in – her best friend was killed in that accident. As the traffic continues to increase we will continue to have these kind of accidents. He spoke of situation on RR12 from the junction to San Marcos that makes it difficult for law enforcement – more lanes and wider lanes are necessary. [T1-649] David Baker (Vice Chair of the Hays County Parks Advisory Board and he served on the Blue Ribbon Committee reviewing the 2025 Transportation Plan) spoke of tour of roads and he spoke in support of improved roads. Mr. Baker spoke of sharing the privilege of living amidst one of the most uniquely beautiful and delicately balanced natural areas in the entire state of Texas – the preservation of our natural heritage and the conservation of our natural resources, especially our water and air, are high priority for all citizens who live here as well as the visitors who bring millions of dollars in revenue to our region annually. The wisdom of investing in the development of parks and the dedication of open space is an investment in protecting our property values and the economic security that ultimately defines our quality of life. Mr. Baker stated that the 48% growth in the last decade in Hays County has moved our population to nearly 100,000 residents – this rate of growth and the promise of another doubling of our population in less than ten years is of great concern to our citizens and a threat to our water and land resources. Hays County has 449,000 acres of land and only 15 acres of county parkland – the Texas Parks & Wildlife Dept. recommends 25 acres of parkland for every 1,000 people – this established standard indicates that Hays County has a shortage of parks and recreational opportunities for our expanding population. He spoke of survey results showing support of parkland (#1 need was river and creek access). The Hays County Parks Advisory Board, by unanimous resolution, supports issuance of taxable bonds for Hays County Parks and Open Space related projects. The Board looks forward to working with the citizens and Commissioners Court in developing this important aspect of our community's infrastructure. Commissioner Carter spoke of survey indicating that the citizens did not support taxes for parks and she questioned whether the county can afford to maintain additional parkland. David Baker advised that 89% of those surveyed agreed that Hays County should preserve open space for future generations – 98% agreed that it was important that the Commissioners' Court should protect the air and water quality - 94% agreed that the county should protect aquifer recharge – all these numbers are very supportive that the County be involved. He spoke of Parks Board hiring a consultant to develop a master plan for parks and open space and in that process there will be continued public input and work with the Commissioners' Court to define how the county may manage lands or even if that is an appropriate role for the County. He stated that the issue is that we have a great number of natural treasures in this county that are going by the wayside without any protection or any access – we have some tremendous resources here that could be great economic tools for the county to bring more income into our area. With the dedication of the board, the court, and the will of the citizens we will come up with a plan to do that in a way that will not be a burden for the taxpayers, but will be an asset. He spoke of partnership with municipalities could be an option. In Wimberley they plan to develop an interpretive center that will allow access to Jacobs wells and Cypress Creek through land the county donated (education facility for local school children) - you will have to be creative. [T1-795] Jack Massengale (Wimberley resident) spoke of intersection of RR12 and CR314 (Spoke Hollow Road) being a dangerous situation (hairpin curve) - he encouraged the county to address CR314 @ RR12. [T1-837] Lois Taylor (Hillview Road resident) spoke of problems on CR314. Commissioner Burnett spoke of R-O-W acquisition planned for RR12 - no specific plans have been developed at this time. Commissioner Molenaar spoke of roads that are earmarked will require cost sharing by the county and the state. [T1-905] Chris North (San Marcos Greenbelt Alliance) spoke in support of the bond package. [T1-914] John Sanford (Chair of the Community Alliance of North Hays County) stressed the dangerous nature of FM1626 (bad combination of curves, hills, and T intersections and lack of visibility) and he urged the Commissioners Court to get enough Right-of-way to straighten the roadway out. He is also a member of the Parks Advisory Board - they voted unanimously to endorse the \$3.5 million for parks - he spoke of using this money as matching funds for grants and possibly creating a Parks Foundation similar to Hays CISD Education Foundation (independent non-profit organization) that would acquire funds from individuals and possibly maintain parks - they are working to come up with creative ways to fund parks. Commissioner Burnett advised that FM1626 (from RM967) is a priority one project (spring of next year) for the State because of State Highway 45 – a five lane urban section with curb and gutter – 2 lanes each direction with a turn lane in the middle. [T1-985] Commissioner Burnett spoke of priority one projects (FM1626, RM967, RR12 from RM32 to San Marcos) – TxDot has the money to build those roads in the spring of next year and we are responsible for 10% of the right-of-way costs for those project – the State is funding 90% of R-O-W and 100% of construction costs (that is \$100 to \$1 match) – if we do not acquire the R-O-W TxDot will take the money somewhere else. The Court needs to decide if we want to upgrade these roads, or not. [T1-992] Commissioner Carter advised that she and Suzanne (her office administrator) determined that the right-of-way cost for the TxDot Priority 1 & 2 projects in the four precincts appears to be \$2,791,670 which is less than \$3 million. Commissioner Burnett asked if her figures included fence relocation, damages, utilities, etc.? Commissioner Carter stated that they used TxDot figures – she feels like \$3 million is not an insurmountable figure, even without a bond. Commissioner Burnett asked if she had figures in the 100% cost of R-O-W for the 283 acres for the eastern portion of the San Marcos Loop and the 22.4 acres? Commissioner Carter stated that she did not. [T1-1029] Dennis Gutierrez (President for the Local Chapter of the Fraternal Order of Police) encouraged the passage of the bond election - he spoke of need to consider the public safety officers and other emergency service responders that use these roadways and he spoke of wear and tear on law enforcement and emergency

vehicles. [T1-1055] Judy Carr (Chair of the Blue Ribbon 2025 Hays Co Transportation Plan Committee) spoke of the committee's meetings and recommendations submitted to the court: any roads designated as a safety hazard by law enforcement; turning lanes in front of schools; State Highway 45; US290 including turn lanes and wider shoulders; San Marcos Loop (eastern section); safety features and widening of Ranch Road 12; safety improvements to RR1826, FM150 & FM1626 including improved horizontal and vertical curvatures, wider shoulders, passing lanes, and reduced turning convoys. They also included another section on the San Marcos Loop and Wimberley By-Pass.

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Judy Carr stated that all of these are important and the road bonds will be used for the entire package of getting these roads upgraded – if this county is going to seriously address the transportation needs, an election for a bond is a must. This is the first step in telling TxDot that we are serious about wanting to improve our road system. [T1-1117] Randall Robinson (Dripping Springs resident - lives on US290) spoke of organizations of which he is a member - he spoke of studies that prove we need to move forward and he urged the court to move forward with the bond issue - we are way behind and we need to catch up. He spoke of conditions on US290. Commissioner Burnett spoke of CAMPO's priority for US290 extension. [T1-1194] George Cofer (a resident of Rollingwood, Texas/Travis County for 52 years) commended the court and urged them to have a little more balance for parks and open space in the package - there is a need for more money for the parks portion of the bond (to be used for matching grants). He spoke of need for a better transportation system and preservation of the rural character and the scenic vistas of Hays County. Mr. Cofer, as Executive Director of the Hill Country Conservancy, advised that the City of Austin has pledged \$10 million in matches for Hill Country Conservancy to get additional open space in Hays County – this will be matched by the Hill Country Conservancy for a total amount of \$20 million. [T1-1264] Kyle Gerdes (Director of the Wimberley EMS) echoed the sentiments of those in public safety - her main concern is RR12 (numerous fatalities) and she spoke in support of the bond issue. [T1-1303] Kathryn Nichols (Parks Advisory Board) congratulated the grants department for their ability to expand the money you get to make greater contributions. She thanked the court for the foresight in proposing to put parks bonds on the election this year and she urged unanimous support. [T1-1329] Charlie Johnson (Wimberley resident and soon-to-be resident of Buda/Kyle area) spoke in support of the bond issue for safety reasons as stated by law enforcement officials and he requested that the court put this bond issue before the people and support it. [T1-1345] T. J. Higginbotham spoke of property on RM967 his grandfather bought in the 1930's – his grandfather made sure that the right-of-way was wide enough for future generations and he supports the bond issue. [T1-1399] Dan Wegmiller (First Southwest Company) spoke of doing a bond election without an increase in the tax rate - to accomplish this you rely on new growth - future debt issues would be contingent on continued growth. Their estimate projects a six issue scenario (may be shorter depending on growth). They will assist the county in the process. You go out for a bond election - the debt is not debt until you sell it – it can be an authorized debt and not be a debt to the county until it is sold. The authorization is good for up to 10 years. Commissioner Burnett advised that the language in the bond issue is such that if you have an immediate need for a bridge repair, the bond can be used for that upgrade. Dan Wegmiller advised that it is imperative that voters know well in advance that the bond language is general and you have multiple options to do other roads, other projects, or pay off debt. [T1-1623] County Auditor Bill Herzog advised that ignoring growth can affect your bond rating negatively. Dan Wegmiller spoke of provision that allows you to pay bonds off in ten years rather than 25 years. He looks at increased assessed valuations paying the debt. [T1-1698] **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to adopt Order Calling a bond election; making provision for the conduct of the election; and ordering other matters incident and related to such election; and engaging McCall, Parkhurst & Horton regarding said election for June 2, 2001. Commissioner Burnett and Commissioner Molenaar amended their motion as follows: Pg 3 of the Order should be amended to read: .....equipping and acquiring land and buildings for parks, open space and recreational purposes on Proposition 2 and on the ballot that item should say the same language “.....tax bonds for Hays County parks, open space and related projects”.** [T1-1728] Carolyn Polumbo (with McCall, Parkhurst & Horton) spoke of assisting the county in putting together the draft of the order calling the bond election – they have worked with Joyce Cowan in getting the details on polling places and times – she went through the sections in the Order calling the election. Commissioner Carter questioned holding the election in June vs November and asked why this election is not being held on a uniform election day. Commissioner Burnett advised that there are TXDot priority one projects that we have one year from now to acquire the right-of-way and there is no way we can acquire the right-of-way starting in November. He also advised that if there is a runoff election in the City of San Marcos, it will be held on June 2<sup>nd</sup> and we could hold our election in conjunction with that election. Commissioner Burnett read a letter from Judge Powers strongly supporting the road bond election. He stated that it is time to take action, we are elected to be the leaders of Hays County and it is time for us to lead – this is a fiscally conservative way to take care of our most pressing needs while not overburdening the taxpayers. Commissioner Carter spoke of need to have all the answers before we vote – she asked if the cost has been calculated for the two projects that will require the county to purchase 100% of the right-of-way? Commissioner Burnett advised that these projects have been discussed by TxDot (San Marcos Loop and Wimberley By-Pass) and are on TxDot's list - no one has stepped forward on a local level to take action on these projects. He spoke of citizens committee that presented these recommendations. Commissioner Carter spoke of need to inform the voters what they are paying for and she has calculated that the TxDot total for non-priority projects (except for San Marcos Loop and Wimberley By-Pass) will cost \$23 million – half of the entire bond is not on TxDot's radar screen. Commissioner Molenaar advised that we are not talking about just TxDot projects, we are talking about all the roads in Hays County - his goal would be to get all county roads paved. [T1-1972] Commissioner Ingalsbe stated that she has a map that does show the San Marcos Loop on the TxDot radar screen (environmental impact statement). She has met with representatives from the City of San Marcos and TxDot and it is something that they are very involved in. Commissioner Carter spoke of part of the Loop around San Marcos goes through Caldwell County and she is not sure that Hays County taxpayers should be footing the bill for the part that is around Caldwell County and also it looks like the proposed loop goes through the airport and Camp Gary. Commissioner Ingalsbe advised that they all know that some changes will have to be made.

Commissioner Burnett advised that he feels comfortable with figures prepared by our County Engineer, City of San Marcos Engineer, TxDot Engineer, and the TxDot Right of Way Attorney. Commissioner Carter asked the County Engineer how many miles of roads will be repaired under this bond. [T1-2020] County Engineer Jerry Borchering spoke of flexibility in choosing roads in need – could do as much as 68 miles. Commissioner Molenaar advised that the purpose today is determine if we need a bond election - specifics will be determined at a later date. Commissioner Burnett advised that we need to get these projects funded. **Commissioner Ingalsbe, Commissioner Burnett, and Commissioner Molenaar voting “Aye”. Commissioner Carter voting “No”.**  
**MOTION PASSED.**

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**ORDER CALLING A BOND ELECTION; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; AND ORDERING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION**

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

**WHEREAS**, pursuant to the provisions of Chapter 1251, Texas Government Code, as amended, the Texas Election Code and other related statutes the Commissioners Court of Hays County, Texas (the “County”) is authorized to call an election in order to submit to the voters of the County various propositions regarding the issuance of general obligation bonds; and

**WHEREAS**, the Commissioners Court deems it advisable to call a bond election for the propositions hereinafter stated; and

**WHEREAS**, it is hereby officially found and determined that holding the election on a date other than a uniform election date established by Section 41.001(a), Texas Election Code, is in the public interest and the meeting at which this Order is being adopted was open to the public, and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Government Code, as amended.

**THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS THAT:**

**Section 1. ELECTION DATE, POLLING PLACES AND ELECTION JUDGES.** An election shall be held in the County as prescribed by applicable law between the hours of 7:00 A.M. and 7:00 P.M. on June 2, 2001. The County election precincts and polling places designated for holding the election are identified in **Exhibit “A”** to this Order and his exhibit is incorporated by reference for all purposes. The Commissioners Court shall appoint the Presiding Judges and Alternate Presiding Judges for each polling place at such time and in accordance with the Texas Election Code, as amended.

**Section 2. ELECTION CLERKS.** The Presiding Judge shall appoint not less than two nor more than four resident qualified electors of the County to act as clerks to properly conduct the election. However, if the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. The appointment of such clerks must include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on the day of the election. In the absence of the Presiding Judge named above, the Alternate Presiding Judge shall perform the duties of the Presiding Judge.

**Section 3. EARLY VOTING.** Early voting shall be conducted at the main early voting polling place, located at the County Elections Administrator’s Office, 401-C Broadway Street, San Marcos, Texas 78666-7751. Early voting shall be conducted at the main early voting polling place and early voting shall also be conducted at the branch temporary early voting polling places identified in **Exhibit “B”** to this Order, and this exhibit is incorporated by reference for all purposes. These offices or places shall remain open on the dates and at the times disclosed in **Exhibit “B”** hereto. Joyce A. Cowan is hereby appointed as the Early Voting Clerk. Early voting shall commence on the 17<sup>th</sup> day before the election and continue through the 4<sup>th</sup> day preceding the date of the election all as provided by the provisions of the Texas Election Code and as further set forth in **Exhibit “B”**. The Early Voting Clerk’s mailing address to which ballot applications and ballots to be voted by mail may be sent is Hays County Elections Administrator, P.O. Box 907, San Marcos, Texas 78667-0907, Attention: Early Voting Clerk.

**Section 4. EARLY VOTING BALLOT BOARD.** An early voting ballot board is hereby created to process early voting results, and Nick Icossipentarios is hereby appointed the Presiding Judge of the board and Delia Lucio is the Alternate Presiding Judge. The Presiding Judge shall appoint not less than two nor more than four resident qualified electors of the county to serve as members of the Early Voting Ballot Board.

**Section 5. VOTERS.** All resident, qualified electors of the County shall be entitled to vote at the election.

**Section 6. NOTICE.** A substantial copy of this Order shall serve as a proper notice of the election. This notice, including a Spanish translation thereof, shall be posted at three (3) public places within the County and the County Courthouse not less than twenty-one (21) days prior to the date the election is to be held, and be published on the same day in each of two (2) successive weeks in a newspaper of general circulation in the County, the first of these publications to appear in such newspaper not more than thirty (30) days, and not less than fourteen (14) full days prior to the day of the election.

**Section 7. VOTING DEVICES.** Punch card ballot voting may be used in conducting the election. The County may also utilize a central counting station as provided by Section 127.000 *et seq.*, as amended, Texas Election Code.

**Section 8. PROPOSITION.** At the election, the following PROPOSITIONS shall be submitted in accordance with law.

**PROPOSITION NO. 1**

“Shall the Commissioners Court of Hays County, Texas by authorized to issue and sell general obligation bonds of the County in the principal amount of not to exceed \$47,020,000 (which amount of bonds does not exceed one-fourth (1/4) of the assessed valuation of the real property in the County) for the purpose of the construction, acquisition by purchase, design, maintenance, and operation of macadamized, graveled, or paved roads, or in aid thereof, within Hays County, Texas including, but not limited to, constructing, designing, improving, extending, expanding, upgrading and/or developing County roads including right-of-way acquisition, utility relocation, traffic safety and operational improvements and other transportation related improvements (to include, but not limited to, Redwood Road, McCarty Lane West, Centerpoint West, Kohlers Crossing, Hillside Terrace, Satterwhite Road, Heidenreich Road, County Road 220, Fischer Store Road, Mt. Gainor Road, Nutty Brown Road, Sawyer Ranch Road, Dry Hole Road and Posey Road); and including, but not limited to, constructing, improving, extending, expanding, upgrading and/or developing State Highways including right-of-way acquisition, utility relocation and other transportation related improvements (to include, but not limited to, US 290, RR 12, FM 1826, FM 1626, FM 967, Hwy 21, Loop 110 and Wimberley Bypass); such bonds to mature serially or otherwise not more than twenty-five (25) years from their date; and any issue or series of bonds to bear interest at such rate or rates as may be determined within the discretion of the Commissioners Court, provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of the bonds; and shall the Commissioners Court of the County be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes on all taxable property in said County sufficient to pay the annual interest and provide a sinking fund to pay bonds at maturity?”

**PROPOSITION NO. 2**

"Shall the Commissioners Court of Hays County, Texas be authorized to issue and sell general obligation bonds of the county in the principal amount of not to exceed \$3,500,000 for the purpose of constructing, improving, renovating, equipping and acquiring land and buildings for park, open space and recreational purposes including but not limited to parkland, scenic easement and trail acquisition and pedestrian and bike trail improvements; such bonds to mature serially or otherwise not more than twenty-five (25) years from their date; and any issue or series of bonds to bear interest at such rate or rates as may be determined within the discretion of the Commissioners Court, provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of the bonds; and shall the Commissioners Court of the County be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in said County sufficient to pay the annual interest and provide a sinking fund to pay bonds at maturity?".

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**Section 9. OFFICIAL BALLOTS.** The official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid PROPOSITIONS with the ballots to contain such provisions, markings and language as required by law, and with such PROPOSITIONS to be expressed substantially as follows:

**PROPOSITION NO. 1**

FOR ) THE ISSUANCE OF \$47,020,000 TAX BONDS FOR ROAD  
 AGAINST ) CONSTRUCTION AND IMPROVEMENT WITHIN HAYS COUNTY

**PROPOSITION NO. 2**

FOR ) THE ISSUANCE OF \$3,500,000 TAX BONDS FOR HAYS COUNTY  
 AGAINST ) PARK, OPEN SPACE AND RELATED PROJECTS

**Section 10. TEXAS ELECTION CODE.** In all respects the election shall be conducted in accordance with the Texas Election Code.

**Section 11. PROVISIONS.** The provisions of this Order are severable; and in case any one or more of the provisions of this Order or the application thereof to any person or circumstance should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, the remainder of this Order nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

**Exhibit "A"**  
**Hays County Bond Election**  
**June 2, 2001**  
**Polling Locations**

**PRECINCTS VOTING**

110 & 113  
 111  
 112  
 114  
 116  
 120 & 121  
 222,226 & 230  
 443  
 223 & 225  
 227 & 229  
 443  
 444  
 330 & 334  
 331 & 336  
 335 & 337  
 440, 441 & 449  
 442 & 448  
 443  
 445 & 451  
 446 & 447

**POLLING PLACE**

Elections Office, 401-C Broadway St., San Marcos, Tx 78666  
 Dunbar Center, 801 Martin Luther King Dr., San Marcos, Tx.  
 Guadalupe Hall, Corner of Churchhill & Roosevelt, San Marcos, Tx.  
 City Hall, 630 E. Hopkins, San Marcos, Tx. 78666  
 Maria Hernandez Middle School, 333 Stagecoach Trail, San Marcos, Tx.  
 CM Allen Homes Office, 801 River Rd (off Sturgeon), San Marcos, Tx.  
 Hays Hills Baptist Church, 1401 N FM 1626, Buda, Tx. 78610  
 Senior Citizens Building, 401 Barton Crossing, Kyle, Tx. 78640  
 Kyle City Hall, 101 S. Burlison St., Kyle, Tx. 78640  
 Hays Consolidated ISD Bldg., 215100 IH 35 East, Kyle, Tx. 78640  
 Santa Cruz Catholic Church, 100 FM 2001 (IH 35 Access Rd)  
 Doris Miller Jr. High, 301 Foxtail Run, San Marcos, Tx. 78666  
 Lamar Annex, 500 W. Hutchison St., San Marcos, Tx. 78666  
 Crocket Elementary School, 1300 Girard, San Marcos, Tx. 78666  
 St. Mary's Catholic Church, 14711 Ranch Rd 12, Wimberley, Tx. 78676  
 Dripping Springs City Hall, 104 G. Mercer St., Dripping Springs, Tx  
 Driftwood Community Center, County Road 150, Driftwood, Tx  
 Sunset Canyon Baptist Church, 4400 E. Hwy. 290 (corner 290 & Sunset  
 Dripping Springs, Tx. 78620  
 First American Lutheran Church, 130 W. Holland St., San Marcos, Tx.  
 Travis Elementary School, 1437 Post Road, San Marcos, Tx. 78666

**Exhibit "B"**  
**Early Voting - Hays County, Texas**  
**For the Special Bond Election**  
**June 2, 2001**

**For Immediate Release:**

**Location of Main Early Voting Polling Place**

County Elections Administrator's Office  
 401-C Broadway St.  
 San Marcos, Texas 78666-7751

**Dates and Hours for Early Voting**

Weekdays, May 16, 2001 through May 29, 2001  
 8:00 A.M. to 5:00 P.M.  
 Saturday, May 19 & May 26, 2001 10:00 A.M. to 4:00 P.M.

**Temporary Branches for Early Voting**

**Location of Temporary Branch Early Voting Polling Places**

Wimberley ISD Administration Office  
 14401 Ranch Road 12, Wimberley, Texas 78676

**Dates and Hours for Early Voting**

May 17, 2001, 11:00 A.M. to 7:00 P.M.  
 May 24, 2001, 11:00 A.M. to 7:00 P.M.

Buda City Hall  
 121 North Main Street, Buda, Texas 78610

May 18, 2001, 11:00 A.M. to 7:00 P.M.  
 May 25, 2001, 11:00 A.M. to 7:00 P.M.

Kyle City Hall  
 1001 South Burlison St., Kyle, Texas 78640

May 21, 2001, 11:00 A.M. to 7:00 P.M.  
 May 28, 2001, 11:00 A.M. to 7:00 P.M.

Dripping Springs City Hall  
 104 G Mercer Street, Dripping Springs, Tx. 78620

May 22, 2001, 11:00 A.M. to 7:00 P.M.  
 May 29, 2001, 11:00 A.M. to 7:00 P.M.

**Any voter who is entitled to vote an early ballot by personal appearance may do so at the Main Early Voting Site or any Temporary Branch site.**

**Address for Applications for Early Voting by Mail**

Hays County Elections Administrator  
P. O. Box 907  
San Marcos, Texas 78667-0907  
Attention: Early Voting Clerk

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**19395      AWARD BID TO STOKES CONSTRUCTION FOR THE CONSTRUCTION OF THE HAYS COUNTY PUBLIC HEALTH FACILITY LOCATED IN SAN MARCOS, TEXAS IN ACCORDANCE WITH SECTION 262.0305, TEXAS LOCAL GOVERNMENT CODE [T1-2115]**

Commissioner Ingalsbe spoke of bids coming in over budget and pursuant to the law we may negotiate a modification of the contract if the modification is in the best interest of the county and does not substantially change the scope of the contract. For the modified contract to be effective, it will have to come back before the Commissioners' Court for approval. She advised that Randy Fromberg (Fromberg Associates Inc.) is here for any questions – she presented a preliminary list of options to eliminate to bring the cost down. Commissioner Ingalsbe recommended awarding bid to low bidder Stokes Construction. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to award bid to Stokes Construction for the construction of the Hays County Public Health Facility located in San Marcos, Texas in accordance with Section 22.0305, Texas Local Government Code. All present voting "Aye".

**Local Government Code 262.0305 Modification After Award:** (a) After award of a contract but before the contract is made, the county official who makes purchases for the county may negotiate a modification of the contract if the modification is in the best interest of the county and does not substantially change the scope of the contract or cause the contract amount to exceed the next lowest bid.

**DISCUSSION REGARDING CITIZENS' ANIMAL CONTROL CONCERNS**

Under Public Comment Session earlier in the meeting the following comment was made regarding this agenda item: [T1-295] Eugene Dolinski spoke of problems with neighbors not controlling their pets - he asked for input from the court. Mr. Dolinski appeared once more before the court at the time this agenda item came up. [T1-2194] He spoke of not being able to get pet owners to control their animals. There is one male dog that belongs to his neighbor that has attacked his smaller dog. He has had the Sheriffs Dept. and Animal Control come over and issue tickets. Commissioner Carter spoke of making dangerous dogs more of a priority. Commissioner Molenaar spoke of fines in Justice Court for violation of the Hays County Animal Control Ordinance and he stated that dangerous dogs are addressed in our rules. A motion was made by Commissioner Carter to request the Sheriffs Dept. to remove dangerous dogs that attack other animals immediately. Motion died for lack of a second.

**19396      AUTHORIZE PURCHASE OF AN EXAM TABLE OUT OF WOMEN/CHILDREN'S GRANT FUNDS [T1-2387]**

Gay Helmlly, Health Dept. Director, advised that a local physician has offered two exam tables for sale – he paid \$10,000 each seven years ago and is asking \$3,000 each now. She would like to purchase at least one table this year and another next year, if still available, for the maternity clinic. The exam tables we currently have are extremely out-of-date. Grants funds and program income would be used to purchase. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize purchase of an exam table out of Women/Childrens Grant funds in the amount of \$3,000. All present voting "Aye".

**19397      AUTHORIZE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF HEALTH FOR TITLE V CONTRACT FEE FOR SERVICES AND POPULATION BASED FUNDING FOR FY2002, AND TO SIGN CONTRACT [T1-2405]**

This is the 6th year renewal of the Health Department's Title V contract fee-for-services and population based funding – we will be informed of award amount by June 1, 2001. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Judge to submit a grant application to the Texas Department of Health for Title V contract fee for services and population based funding for FY2002 and to sign contract. All present voting "Aye".

**19398      APPROVE THE COMMISSIONERS' COURT MINUTES OF MARCH 27, 2001**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the Commissioners' Court Minutes of March 27, 2001 as presented by the County Clerk. All present voting "Aye".

**19399      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 \$246,250.82 as presented by the County Auditor. All present voting "Aye".

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|                               |              |                              |              |                            |              |
|-------------------------------|--------------|------------------------------|--------------|----------------------------|--------------|
| Ad Valorem Tax                | \$ 9,386.87  | Public Safety Svcs           | \$ 30,100.00 | Fines                      | \$ 66.81     |
| Auditor's Office              | \$ 962.04    | Treasurer's Office           | \$ 98.98     | Extension Office           | \$ 885.81    |
| Juvenile Probation Office     | \$ 198.76    | Indigent Care                | \$ 13,121.39 | Transfer Station           | \$ 134.72    |
| Bldg. Mtc. Dept.              | \$ 10,336.56 | Environmental Health         | \$ 683.08    | Civic Center               | \$ 2,259.52  |
| Countywide Operating          | \$ 28,525.11 | Tax Assessor/Collector       | \$ 181.05    | District Clerk Office      | \$ 86.24     |
| Sheriff's Office              | \$ 6,651.98  | Jail Operations              | \$ 11,649.04 | County Court at Law 1      | \$ 49.67     |
| District Attorney's office    | \$ 888.95    | Justice of the Peace 1-1     | \$ 62.59     | Justice of the Peace 1-2   | \$ 250.03    |
| Justice of the Peace 2        | \$ 28.47     | Justice of the Peace 3       | \$ 90.35     | Justice of the Peace 4     | \$ 251.21    |
| Justice of the Peace 5        | \$ 225.69    | Dept. of Public Safety       | \$ 196.61    | Constable 2                | \$ 229.00    |
| Constable 3                   | \$ 63.54     | Constable 4                  | \$ 141.24    | Constable 5                | \$ 54.36     |
| District Court Operations     | \$ 8,649.74  | Co & JP Court Operations     | \$ 2,391.50  | Veterans Adm Office        | \$ 720.24    |
| TJPC Salaries Grant           | \$ 828.00    | Fire Marshal/EMC Office      | \$ 296.61    | District Court Reporters   | \$ 56.61     |
| TJPC CCAP Grant               | \$ 5,232.77  | DJP/Bulletproof Vests Grant  | \$ 315.00    | CAPCO/911 Address Mtc      | \$ 134.68    |
| TJPC/Juv Justice Alt Ed Grant | \$ 264.83    | General Fund Credit          | <\$6,231.31> | Road & Bridge Operations   | \$ 90,684.59 |
| Precinct 2                    | \$ 341.68    | Precinct 4                   | \$ 705.77    | Road Reconstruction        | \$ 850.00    |
| R&B General Fund Credit       | <\$4,892.47> | Anticip Notes '95 Project    | \$ 1,799.28  | Records Mng/Co Clerk       | \$ 210.30    |
| Health Svcs Grants            | \$ 82.80     | Medical & Dental Insurance   | \$ 150.00    | Sheriffs Drug Forfeiture   | \$ 2,266.10  |
| Family Health Services        | \$ 295.22    | Court Reporters Service Fund | \$ 100.00    | Disaster Buyout Mitigation | \$ 150.00    |
| Tobacco Settlement Fund       | \$ 22,989.19 |                              |              |                            |              |

**19400 APPROVE UTILITY PERMITS**

The following Utility Permits were submitted for approval:

| Permit # | County Road        | Utility Company    |
|----------|--------------------|--------------------|
| 01456    | CR131/Windy Hills  | GTE                |
| 01457    | CR354/Signal Hill  | Hill Country Water |
| 01458    | CR157/Goforth Road | GTE                |

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Utility Permit #01456, #01457, and #01458 as submitted by the Hays County Road Department. All present voting "Aye".

**19401 REPLAT OF FALCONWOOD LOTS 25 & 26 [01-3-033] \* APPROVE FINAL PLAT AND WAIVE PUBLIC NOTIFICATION [T1-2448]**

Environmental Health Director Allen Walther advised that property owners of Lots 25 & 26 are proposing to create one lot out of these two lots – to be known as Lot 25R – he gave staff recommendation for approval of final plat and waive public notification. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat of "Replat of Falconwood Lots 25 & 26" and waive public notification. All present voting "Aye".

**19402 REPLAT OF LA VENTANA, PHASE 1 HOMESITES 1-10 [01-4-032] \* APPROVE FINAL PLAT AND WAIVE PUBLIC NOTIFICATION [T1-2463]**

Environmental Health Director Allen Walther advised that this is a minor realignment of lot lines (adjusting the R-O-W from 50' to 60' and adjusting the size of the lots. He gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Replat of La Ventana Phase I Homesites 1-10" and waive public notification. All present voting "Aye".

**19403 GRAND CYPRESS @ ONION CREEK AMENDED PLAT [01-4-034] \* APPROVE REVISED FINAL PLAT [T1-2484]**

Environmental Health Director Allen Walther advised that minor change have been made to the final plat delineating the drainage easement to make it more consistent with the existing FEMA base flood elevations on the FIRM map. He gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by

Commissioner Burnett to approve revised final plat of "Grand Cypress @ Onion Creek Amended".  
All present voting "Aye".

**19404 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS AT INTERSECTION OF PRICKLY PEAR PASS AND DOVE DRIVE [T1-2506]**

Commissioner Molenaar declared the public hearing open - no public input was received and the public hearing was closed. County Road Supt/Engineer Jerry Borcharding recommended a 3-Way Stop at the T-intersection of Prickly Pear Pass and Dove Drive. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulation of 3-Way Stop at the intersection of Prickly Pear Pass and Dove Drive. All voting "Aye".

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**19405 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON WILLIAMSON ROAD [T1-2528]**

Commissioner Molenaar declared the public hearing open - no public input was received and the public hearing was closed. County Road Supt/Engineer Jerry Borcharding advised that the speed limit was never established and he recommended a speed limit of 30MPH. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulation of 30MPH speed limit on Williamson Road. All voting "Aye".

**Clerk's Note: Agenda Item #11** RE: CALL FOR A PUBLIC HEARING TO BE HELD ON APRIL 17, 2001 TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT AND STOP SIGNS) ON GRANDVIEW AND CENTERVIEW DR. IN THE EAGLE POINT SUBDIVISION was pulled. No public hearing held and no action taken.

**19406 ACCEPT FOX RUN DRIVE INTO THE COUNTY ROAD MAINTENANCE SYSTEM [T1-2619]**

The Fox Run Estates subdivision was platted in 1994, the road (Fox Run Drive) was built and completed according to county specifications with the intention of the county to take over maintenance after completion. An inspection has been conducted by the County Road Inspector and has found no deficiencies to hinder the acceptance of said road. County Road Supt/Engineer Jerry Borcharding gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to accept Fox Run Drive for county maintenance. All present voting "Aye".

**19407 ADOPT A RESOLUTION IN OPPOSITION TO EFFLUENT DISCHARGE INTO THE BLANCO RIVER [T1-2685]**

Commissioner Burnett advised that Aquasource Development Company has applied to the TNRCC for a permit to discharge treated wastewater (up to 900,000 gallons per day) into the Blanco River above Wimberley. He stated that he has written a letter of opposition to this permit and he is concerned that they would even issue a permit over the recharge zone. He requested court support of his opposition - the City of Wimberley is working with GBRA to open up their own facility. That amount of discharge is not needed at this point and there are concerns. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to adopt a resolution in opposition to effluent discharge into the Blanco River. All present voting "Aye".

**A Resolution of the Commissioners' Court of Hays County, Texas  
Requesting the TNRCC withhold approval of  
Proposed Permit No. 14161-001**

**WHEREAS**, Hays County Commissioners Court is charged with protecting the health and safety of all its citizens, as well as protecting and preserving our underground and surface waters, and

**WHEREAS**, Aquasource Development Company has applied to the Texas Natural Resource Conservation Commission for a permit to discharge up to 900,000 gallons of treated wastewater per day into the Blanco River above Wimberley, and

**WHEREAS**, this treated effluent would be discharged into a receiving stream of very high quality water and would traverse through the Village of Wimberley, across almost the entire width of Hays County, including over and into the Edwards Aquifer Recharge Zone, and

**WHEREAS**, the Blanco River is the ecological centerpiece for the entire Wimberley area, enjoyed each year by thousands of local residents and recreational tourists, and is a valuable resource which must be preserved,

**NOW, THEREFORE BE IT RESOLVED** that the Commissioners' Court of Hays County requests that the Texas Natural Resource Conservation Commission withhold approval of proposed Permit No. 14164-

001 until all treatment and disposal options have been evaluated, and the community has total assurance that the Blanco River will not be degraded as a result of this or any permit.

**ADOPTED** this the 3<sup>rd</sup> day of April, 2001.

**19408 APPROVE OUT-OF-STATE TRAVEL TO THE ESRI USER CONFERENCE FOR STEVE FLOYD [T1-2772]**

Environmental Health Director Allen Walther advised that this is a primary training opportunity for our GIS personnel since we primarily use ESRI software. Because of our license, the cost of the conference (\$1295) is waived and we only have to pay for travel and hotel costs. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve out-of-state travel to the ESRI user conference for Steve Floyd. All voting "Aye".

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**19409 ADOPT A RESOLUTION IN SUPPORT OF HB 1776, RELATING TO THE ESTABLISHMENT OF CELEBRATE FREEDOM WEEK IN TEXAS PUBLIC SCHOOLS**

[T1-2797]

Commissioner Carter spoke of high number of co-authors to the Bill - no fiscal note - the purpose is to help children understand their freedom in order that they might understand the need to vote and protect their freedom. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe adopt a resolution in support of HB1776 relating to the establishment of celebrate Freedom Week in Texas Public Schools. All present voting "Aye".

**Resolution Supporting HB 1776  
On the establishment of Celebrate Freedom Week**

**WHEREAS,** *Hays County Commissioners Court recognizes that all generations benefit from learning the history of their country, and*

**WHEREAS,** *in-depth instruction of the intent, meaning and importance of the Declaration of Independence and the U.S. Constitution, including the Bill of Rights, in their historical context, help young people to understand the freedoms that they enjoy, and*

**WHEREAS,** *an understanding of these freedoms, helps young people appreciate that the price of freedom is eternal vigilance and cannot be taken for granted,*

**THEREFORE, BE IT RESOLVED** *that Hays County Commissioners' Court requests that the Texas Legislature approve House Bill 1776.*

**ADOPTED** *April 3, 2001.*

**Court was adjourned.**

**MINUTES APPROVED IN OPEN COURT ON THE 10<sup>th</sup> DAY OF APRIL, 2001.**

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

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

