



STATE OF TEXAS ?
 COUNTY OF HAYS ?

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

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

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

PRESENTATION BY SUSAN SCHRAMM PERTAINING TO THE TEXAS COOPERATIVE EXTENSION OFFICE

Hays County Extension Agent Susan Schramm introduced staff at the County Extension Office. She advised that they are now known as the Texas Cooperative Extension Office - the same services will be provided. A video presentation was given. County Agent Billy Kniffen spoke in support of the services provided and he thanked the court for the opportunities that he was had. The Court thanked him for his leadership and services (Bill Kniffen will be leaving to go to Menard County). Billy Kniffen thanked his staff.

19862 APPROVE THE COMMISSIONERS' COURT MINUTES OF OCTOBER 23, 2001

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

19863 APPROVE PAYMENT OF COUNTY INVOICES

County Auditor Bill Herzog requested that action not be taken at this time for the \$300,000.00 payment to the City of Kyle for ROW acquisition – this will be addressed in Executive Session at the end of the agenda. A motion was made by Commissioner Burnett, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$ 304,408.92 (\$604,408.92 less \$300,000.00 payment to City of Kyle for ROW) All voting "Aye".

Fines	\$ 500.00	Auditor's Office	\$ 30.00	Treasurer's Office	\$ 33.65
Extension Office	\$ 914.05	Grants Admin	\$ 115.40	Juvenile Probation	\$ 850.68
Election Admin Ofc	\$ 50.00	Comm & Soc Svcs	\$ 4,745.09	Transfer Station	\$ 449.59
Building Mtc Dept	\$ 12,011.97	Environ Health	\$ 500.29	Civic Center	\$ 4,823.29
Countywide Oper	\$ 24,721.78	Tax A/C Office	\$ 183.11	Sheriff's Office	\$ 5,324.29
Jail Operations	\$ 6,225.44	County Judge's Ofc	\$ 282.43	Human Resources	\$ 526.55
District Attorney	\$ 609.42	J.P. 1-1	\$ 91.04	J.P. 1-2	\$ 313.00
J.P. 3	\$ 84.35	J.P. 4	\$ 235.82	J.P. 5	\$ 305.97
DPS	\$ 200.82	Constable 1	\$ 139.79	Constable 2	\$ 34.00
Constable 3	\$ 46.07	Constable 5	\$ 192.55	District Court Oper	\$ 24,570.60
Co & JP Court Oper	\$ 4,794.73	Precinct 3	\$ 549.09	Precinct 4	\$ 305.16
Veterans Adm Ofc	\$ 27.34	Computer Services	\$ 9,159.60	DPS/L&W	\$ 31.68
Fire Marshal/EMC	\$ 2,979.99	Assoc Judge/Family	\$ 13.16	Animal Control	\$ 11,750.00
Gen Fund Credit	<\$295.27>	Road & Bridge Oper	\$ 91,991.79	Precinct 1	\$ 154.41
Precinct 2	\$ 9.44	Precinct 4	\$ 138.66	Right of Way	\$ 300,000.00
R&B Gen Fund Credit	<\$467.20>	Parks Admin	\$ 250.00	Rec Mng/Co Clerk	\$ 355.95
Courthouse Security	\$ 107.00	Sheriffs Drug Forf	\$ 2,661.41	Family Health Svcs	\$ 8,695.94
Cedar Oaks Mesa Water	\$ 82,085.00				

19864 APPROVE UTILITY PERMIT #01515 (CR266)

A motion was made by Commissioner Burnett, seconded by Commissioner Carter to approve Utility Permit #01515 on CR266/Old Bastrop Hwy. Issued to Taylor & Mullins, Inc. as submitted by the County Road Department. All voting "Aye".

**19865 APPROVE BUDGET AMENDMENT 01-41**

Budget Amendment #01-41 is an end of the fiscal year adjustment for all county funds. [See copy in resolution file – 12 pages]. A motion was made by Commissioner Burnett, seconded by Commissioner Carter to approve Budget Amendment No. 01-41 as proposed by the County Auditor. All voting "Aye".

19866 APPROVE REFUND OF OVERPAYMENT ON TAXES

A motion was made by Commissioner Burnett, seconded by Commissioner Carter to approve refund of overpayment on taxes in the amount of \$1350.04 on Lot 30 Woodland Estates Sec. II Phase A as submitted by the County Tax Assessor-Collector. All voting "Aye".

19867 APPROVE INTERLOCAL AGREEMENT WITH TASB/COOPERATIVE PURCHASING

This agreement will give the county another avenue for obtaining pricing on items that have been competitively bid according to Texas Statutes. The TASB/Cooperative Purchasing is an administrative agency created in accordance with Section 791.001 of the Texas Government Code. Purchasing Agent Cindy Maiorka advised that we are looking at TASB for getting pricing on pickups for the Road and Parks Depts. A motion was made by Commissioner Burnett, seconded by Commissioner Carter to approve Interlocal Agreement with TASB/Cooperative Purchasing. All voting "Aye".

RESOLUTION

WHEREAS, the County of Hays, (hereinafter "Cooperative Member") pursuant to the authority granted by Article 791 et seq. of the Interlocal Cooperation Act, as amended, desires to participate in the statewide purchasing program of the Cooperative.

WHEREAS, County of Hays has elected to be a Cooperative Member in the Texas Local Government Purchasing Cooperative (hereinafter "Cooperative"), a program created by local governments in accordance with and pursuant to the Interlocal Cooperation Act ("Act"), Chapter 791, Texas Government Code;

WHEREAS, the Cooperative Member, is of the opinion that participation in the Cooperative's purchasing program will be highly beneficial to the taxpayers of the local government through the efficiencies and potential savings to be realized; and

WHEREAS, the Cooperative Member desires to participate and join with other local governments in a cooperative Interlocal agreement ("Agreement") for the purpose of fulfilling and implementing their respective public and governmental purposes, needs, objectives, programs, functions and services.

NOW, THEREFORE, BE IT RESOLVED, that the Cooperative Member does request that the Cooperative include its stated needs for all categories, including but not limited to, instructional, maintenance, custodial, and food services, on the Cooperative Purchasing Program and award contracts for those items, whereby the Cooperative Members may be allowed to purchase those items from the Cooperative's contracts; and that Cooperative is authorized to sign and deliver all necessary requests and other documents in connection therewith for and on behalf of the Cooperative Members that have elected to participate.

BE IT FURTHER RESOLVED, that the Hays County Commissioners' Court hereby authorize its County Judge to execute the Interlocal Participation Agreement which includes the adoption and approval of the Organizational Interlocal Agreement previously executed and adopted by two or more local governments.

FINALLY, BE IT RESOLVED that the execution of this Resolution shall evidence the election of Cooperative Member and eligible local governments to become members of the Cooperative upon the terms and conditions stated. The Commissioners' Court has, and at the time of adoption of this Resolution had, full power and lawful authority to adopt the foregoing Resolution and to confer the obligations, powers, and authority to the persons named, who are hereby granted the power to exercise the same.

ADOPTED this the 30th day of October, 2001.



19868 AUTHORIZE THE COUNTY JUDGE TO EXECUTE LETTER OF AGREEMENT WITH THE GOVERNOR'S OFFICE FOR A GRANT WRITING WORKSHOP IN CONJUNCTION WITH THE HAYS COUNTY GRANTS OFFICE

Each year the Hays County Grants Office, in conjunction with the State Grants Team offers a 2-day grant writing workshop. This year the focus of the workshops will be on grant writing training for fire departments. The workshop will be held February 56, 2002 at the Hays County Extension Office. The cost to the Hays County Grants Office will not exceed \$200, which will be offset by the attendance fee of \$30 per person. The workshop is limited to 40 persons. The Hays County Grants Office has a Fire Department Funding Guide, which will be offered to the participants for a replacement cost of \$65 per guide. A motion was made by Commissioner Burnett, seconded by Commissioner Carter to authorize the County Judge to execute Letter of Agreement with the Governor's Office for a Grant Writing Workshop in conjunction with the Hays County Grants Office. All voting "Aye". [see letter of agreement in file]

19869 CORNERSTONE WEST PHASE ONE SECTION TWO [PCT. 2 #01-2-068] * APPROVE FINAL PLAT [T1-158]

Environmental Health Director Allen Walther spoke of this being a commercial lot - in Buda ETJ – he gave staff recommendation for final plat approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve the final plat of "Cornerstone West Phase One Section Two". All voting "Aye".

19870 GREEN OAKS FARMS [PCT. 2 #01-2-082] * APPROVE PRELIMINARY PLAT [T1-172]

Property Owner Jean Bales proposes to subdivision 2.06 acres on Opal Lane (CR138) out of an original 64.28 acres tract. Environmental Health Director Allen Walther advised that staff requested additional right-of-way on Opal Lane, however, the property owner has declined that request. The City of Kyle (ETJ) granted a variance to the additional fo-w due to large trees that would be lost. Byrn & Assoc. representative Kyle Smith appeared before the court to answer any questions. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve the preliminary plat of "Green Oaks Farms". All voting "Aye".

19871 RIVER OAKS OF WIMBERLEY UNIT 5 RESUBDIVISION OF LOT 4 [PCT. 3 #01-3-059] * APPROVE PRELIMINARY PLAT [T1-207]

R. David Pocock proposes to divide Lot 4 River Oaks of Wimberley Unit 5 (unrecorded subdivision) into two lots (4A & 4B). Environmental Health Director Allen Walther gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the preliminary plat of "River Oaks of Wimberley Unit 5 Resubdivision of Lot 4". All voting "Aye".

19872 POLO CLUB SECTION 1 REPLAT OF LOTS 22 & 23 [PCT. 4 #01-4-081] * WAIVE PUBLIC NOTIFICATION AND APPROVE FINAL PLAT [T1-218]

Environmental Health Director Allen Walther advised that this replat involves realignment of the common lot line – the two lots are exchanging equal amounts of land, therefore, they will have the same amount of acreage that they began with. Since no other lots are effected, waiver of notification is recommended as has been the practice of the Court in the past and to consider on one reading since no new lots are being created. He gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to waive public notification and approve the final plat of "Polo Club Section 1 Replat of Lots 22 & 23". All voting "Aye".

19873 RIM ROCK SECTION 1 [PCT. 4 #01-4-002V] * GRANT VARIANCE FROM MINIMUM R-O-W FOR A MAJOR COLLECTOR ROAD [T1-232]

Environmental Health Director Allen Walther advised that this request is for a section of road and is based on traffic counts. The adopted standard in the subdivision & development rules calls for 70 ft R-O-W for roads with a combined traffic count of more than 2500 one-way trips per day. Rutherford Rim (Rim Rock) owners – they are requesting a variance to reduce the 70 ft. to 60 ft. – to compensate for that and to comply with requirements of Fish & Wildlife regarding storm water runoff. The property owner is dedicating two 30 ft strips of easements on either side of the right-of-way – the easements will have a reduced side slope which will enable the storm water runoff to be treated through the vegetated swells created. He gave staff recommendation to grant the variance request. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to grant a variance from minimum right-of-way requirement for a major collector road – from 70 feet to 60 feet - for "Rim Rock Section 1". All voting "Aye".



19874 RIM ROCK SECTION 1 [PCT. 4 #00-4-071] * APPROVE PRELIMINARY PLAT [T1-280]

Brian Dudley (Goldenwood resident, Member of the Community Relations Committee of the Neighborhood Association, and was on the County's Blue Ribbon Committee for Transportation) stated that this subdivision is generally a real good subdivision – lot size and community waste water system is good. He asked the court four questions relating to this item: ? R-O-W on FM1826 is 80 ft on the plat - additional ROW is needed for widening of this roadway for turn lane and wider shoulders (up to 120 feet); ? a number of notes are on the plat regarding water sources (community water system, plan to use LCRA pipeline water) - he would like for the court to see whether they could add a note to identify the intentions that they will seek surface water when available; ? TNRCC conservation zone plans regarding water quality after flooding/runoff - there is clearing going on at this site and TNRCC has not received a conservation plan for this development – he feels like the court needs to make sure the developer is doing what is required; ? future phases (there will be 5 phases) will have roadways accessing FM1826 and they would like to see a reduction in the number of intersections with major roadways. Mr. Dudley spoke of a connection with Crystal Hills Drive in the Goldenwood Subdivision – they would like to see this used only for emergencies (when the low water bridge is flooded). Commissioner Molenaar spoke of it not being legal to gate a county road – we have just found out that the State will need additional right-of-way on FM1826 so we will be contacting the developer regarding that. We can request the developer to consider some of these concerns, but we cannot force them to. Environmental Health Director Allen Walther spoke of note regarding water source - some issues will resolve themselves before final plat is presented - a contributing zone protection plan will be reviewed by TNRCC and we cannot make it a condition of approval - this development is in the DS ETJ and they have storm water protection orders that will be required - issues regarding FM1826 will go through TxDot for approval. Staff recommends approval of preliminary plat and asked that the record reflect that there are 151 lots rather than 155 lots as shown on agenda. [T1-503] Rob Baxter (President of Goldenwood Property Owners Association & Friendship Alliance) stated that they are concerned about the well issue - not sure if the surface water pipeline will be available to this development. He spoke of flooding that occurs at the bridge and they would not like to see additional traffic on that roadway. The LCRA pipeline has them concerned and they are concerned that wells will not be capped if surface water is available. Mr. Baxter advised that they do not consider the City of Dripping Springs to have very stringent ordinances – variances are granted by Dripping Springs with pecuniary interest of the developer in mind and they have a problem with that. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve preliminary plat of "Rim Rock Section 1". All voting "Aye".

19875 APPROVE ROAD NAME DESIGNATION FOR A PRIVATE EASEMENT TO BE KNOWN AS "HARPER VILLAGE ROAD" (LOCATED OFF OLD BLACK COLONY RD.) [T1-582]

Commissioner Carter spoke of this road name designation being for 911/emergency services and for postal services. The request is being made by 6 sisters who live on this road and are present today and their four brothers (not present) – they would like to name it "Harper Village Road" in memory of their parents, George & Emma Harper. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve road name designation for a private easement to be known as "Harper Village Road" (located off Old Black Colony Road). All voting "Aye". [see map in file]

19876 APPOINT SALLY SIMMERS TO THE HAYS COUNTY PARKS BOARD [T1-618]

Judge Powers stated that he talked to the Chairperson of the Parks Board and she has no problem with this appointment. A motion was made by Judge Powers, seconded by Commissioner Carter to appoint Sally Simmers to the Hays County Parks Board. All voting "Aye".

19877 AUTHORIZE HIRING NEW COURT CLERK FOR THE DISTRICT CLERK'S OFFICE

[T1-627] District Clerk Cecelia Adair spoke of new position approved to take effect 6 months into FY2002 which would be April 2002. The number of jury trials set for the remainder of this year have more than doubled with several to be held offsite from the Justice Center. Staffing these courts requires additional personnel from this office who have other full-time duties within the office. She spoke of excess funds (\$43,000) that she will be turning into the Treasurer soon. County Auditor Bill Herzog advised that funds would have to come from contingencies and not the anticipated revenues. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the hiring of a new court clerk effective December 1, 2001 for the District Clerk's office to be paid out of contingencies. All voting "Aye".

19878 AUTHORIZE VEHICLE TRANSFER TO PERSONAL HEALTH DEPARTMENT AND APPROVE RELATED BUDGET AMENDMENTS [T1-705]

Personal Health Director of Nursing Gay Helmlly appeared requesting transfer of a 1997 Crown Victoria (VIN#2FALP71W0VX128452) from the Sheriff's Dept. to the Health Dept – they will use existing money to pay for fuel, etc. This vehicle will be used by staff (shared/mileage log will be kept) instead of using their individual cars. Commissioner Burnett voiced his concern about the mileage on this vehicle (117,963 mi). Gay Helmlly stated that the Sheriff's Dept. mechanic assured her that this vehicle is in good condition. She spoke of increased training in Austin and clinics that are being held (flu vaccination, etc.) County Auditor Bill Herzog stated that vehicle repairs may need to be budgeted at a later date. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize vehicle transfer to Personal Health Department and approve related budget amendments. Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Burnett voting "No". [Budget Amendment #02-04]



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19879 EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL REGARDING CONDEMNATION OF PROPERTY TO OBTAIN RIGHT-OF-WAY FOR FM 1626 TO INCLUDE DISCUSSION RELATING TO THE ACQUISITION OF THE FOLLOWING PROPERTIES: 8.51 ACRES OWNED BY TEXAS LEHIGH CEMENT COMPANY - TRACT 4; 5.89 ACRES OWNED BY HARVEY AND GLORIA EVANS, AND; 9.20 ACRES OWNED BY CALVIN AND JANE KIRKHAM WITH ACTION IN OPEN COURT [T1-834]

The court convened into closed executive session to meet with legal counsel regarding condemnation of property to obtain right-of-way from FM1626 and to discuss the acquisition of other properties. Upon completion of closed session, the court reconvened into open meeting. A motion was made by Judge Powers, seconded by Commissioner Burnett to approve the land value appraisals of a final offer submitted by the City of Kyle relating to the following three tracts of land relating to FM1826: 8.51 acres owned by Texas Lehigh Cement Company, 5.89 acres owned by Harvey and Gloria Evans, and 9.20 acres owned by Calvin and Jane Kirkham. All voting "Aye".

19880 EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL REGARDING THE DISPOSITION OF REAL PROPERTY AND RELATED CLAIMS REGARDING A 2.125 ACRE TRACT IN THE JOHN PHARASS SURVEY, ABSTRACT 361, LOCATED ON THE EAST SIDE OF FM 150, IN KYLE, HAYS COUNTY, TEXAS, AS MORE PARTICULARLY SHOWN IN AN APPRAISAL, DATED JULY 30, 2001, FILED IN THE OFFICE OF THE COUNTY CLERK OF HAYS COUNTY, TEXAS WITH ACTION IN OPEN COURT [T1-854]

The court convened into closed executive session to meet with legal counsel regarding the disposition of real property and related claims regarding a 2.125 acre tract in the John Pharass Survey Abstract 361, located on the east side of FM150 in Kyle, Hays County, Texas; as more particularly shown in an appraisal dated July 30, 2001 filed in the Office of the County Clerk of Hays County, Texas. Upon completion of closed session, the court reconvened into open meeting. A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve expenditure of \$300,000.00 to the City of Kyle as previously authorized in an interlocal agreement executed between the City of Kyle and Hays County and waive the provision requiring the environmental impact statement be completed before the expenditure is made. All voting "Aye".

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to authorize the City of Kyle to advertise for bids the sale of jointly owned property identified as a 2.125 acre tract in the John Pharass Survey, Abstract 361, located on the east side of FM150 West in Kyle, Hays County, Texas and authorize the County Judge to execute a dedication instrument relating to the conveyance of a seventy (70) foot right-of-way accessing FM150 West. All voting "Aye".

Court was adjourned.

MINUTES APPROVED IN OPEN COURT ON THE 6TH DAY OF NOVEMBER, 2001

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

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

