



STATE OF TEXAS 0  
 COUNTY OF HAYS 0

ON THIS THE 16<sup>th</sup> DAY OF APRIL A.D., 2002, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

<b>JAMES L. POWERS</b>	<b>COUNTY JUDGE</b>
<b>DEBBIE 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>

**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.

**20217 APPROVE THE COMMISSIONERS' COURT MINUTES OF APRIL 9, 2002**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the Commissioners' Court Minutes of April 9, 2002 as presented by the County Clerk. All voting "Aye".

**20218 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 \$ 216,098.41 as presented by the County Auditor. All voting "Aye".

Public Safety Svcs	\$ 1,636.00	Fines	\$ 150.00	TDHCA Funds/Lease	\$ 2,480.99
Auditor's Office	\$ 303.90	Treasurer's Office	\$ 103.33	Juv Probation Office	\$ 2,994.23
Election Admin Ofc	\$ 108.92	Comm & Soc Svcs	\$ 5,000.00	Indigent Care	\$ 4,950.23
Building Mtc. Dept.	\$ 563.55	Environ Health	\$ 1,016.78	Civic Center	\$ 345.77
Countywide Oper	\$ 5,517.15	Tax A/C Office	\$ 345.97	District Clerk's Office	\$ 181.46
Sheriff's Dept.	\$ 7,414.98	Jail Operations	\$ 19,799.30	County Judge's Ofc	\$ 1,074.53
Human Resources	\$ 271.90	District Atty's Office	\$ 682.05	J.P. 1-1	\$ 247.99
J.P. 2	\$ 72.09	J.P. 3	\$ 17.53	J.P. 4	\$ 32.15
J.P.5	\$ 313.63	Dept Public Safety	\$ 223.82	Constable 1	\$ 20.20
Constable 2	\$ 112.05	Constable 3	\$ 18.38	Constable 5	\$ 224.13
District Court Oper	\$ 8,539.94	Co & JP Court Oper	\$ 1,859.41	Precinct 1	\$ 21.94
Precinct 2	\$ 283.75	Veterans Admin	\$ 3.90	DPS/L&W	\$ 87.92
Fire Marshal/EMC	\$ 927.00	District Court Reprtrs	\$ 291.77	Assc Judge/Family Law	\$ 55.92
Animal Control	\$ 178.30	CJD/VOCA Grant	\$ 305.60	CJD/VAWA Grant	\$ 127.79
Juv Justice Alt Ed	\$ 14.72	General Fund Credit	<\$444.51>	Road & Bridge Oper	\$ 88,553.39
Sheriff Abandon Veh	\$ 78.88	Hays Co Parks Fund	\$ 1,317.52	Rec Mng/Co Clerk	\$ 205.25
Juvenile Center	\$ 14,642.45	Medical/Dental Insur	\$ 41,151.73	Sheriff's Drug Forf Fund	\$ 552.98
Family Health Svcs	\$ 462.66	Justice Court Tech	\$ 657.00		

**Clerk's Note:** There were no Applications for Refund of double payments and/or overpayment on Taxes submitted for approval. No discussion - No action taken.

**20219 APPROVE UTILITY PERMIT #01559**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Utility Permit #01559 on CR157/Goforth Road issued to Reliant Energy Entex. All voting "Aye".

**20220 APPROVE BUDGET AMENDMENT 02-20**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Amendment #02-20 as proposed by the County Auditor. All voting "Aye".



				AMENDMENT NO. <u>2002-20</u> FY 2002 BUDGET 04-16-02
FUND NO. <u>01</u>				
FUND TITLE <u>GENERAL FUND</u>				
<u>LINE ITEM - EXPENDITURES</u>	<u>APPROPRIATION BEFORE AMENDMENT</u>	<u>AMENDMENT</u>		<u>APPROPRIATION AS AMENDED</u>
		<u>INCREASES</u>	<u>DECREASES</u>	
<b><u>AUDITOR (401):</u></b>				
01-401-5321 Dues & Bonds	750	275		1,025
01-401-5461 Printing	3,200		(275)	2,925
<i>Transfer for 4 year bond &amp; certification from printing savings</i>				
<b><u>GRANTS ADMINISTRATION (404):</u></b>				
01-404-5448 Contract Services	8,000	553		8,553
01-404-5101 FICA/RET	11,670		(553)	11,117
<i>Transfer for needed expense from personnel savings</i>				
<b><u>EXTENSION OFFICE (403):</u></b>				
01-403-5211 Office Supply	3,000	800		3,800
01-403-5712 Data Proc Equipment	-0-	1,250		1,250
01-403-5160 Insurance	19,619		(2,050)	17,569
		<u>2,050</u>	<u>(2,050)</u>	
<i>Cost sharing of desk top computer and printer with Texas A&amp;M for \$1,525 computer, county share is \$800; for \$755 printer, county share would be \$450 – total of \$1,250 from county. Transfer from personnel savings to fund county share of state provided equipment.</i>				
<b><u>HUMAN RESOURCES (421):</u></b>				
01-421-5489 Telephone	1,500	1,200		2,700
01-421-5021 Staff	50,218		(1,000)	49,218
01-421-5801 Training	2,700		( 200 )	2,500
		<u>1,200</u>	<u>(1,200)</u>	
<i>transfer for needed expense</i>				
<b><u>JUSTICE OF THE PEACE 1-1 (424):</u></b>				
01-424-5331 Cont Ed	325	100		425
01-424-5335 Time Payment Expense	614		(100)	514
<i>Transfer for training</i>				
<b><u>FIRE MARSHAL (472):</u></b>				
01-424-5719 Equipment	16,950		(10,000)	6,950
<b><u>LCRA/FIRE MARSHAL VEHICLE GRANT (744):</u></b>				
01-744-5719 Equipment	18,000	10,000		28,000
<i>transfer budgeted county match to grant to purchase equipment</i>				
<b><u>CAPCO/SOLID WASTE-CHIPPER GRANT (731):</u></b>				
01-731-5219 Supplies	-0-	5,080		5,080
01-731-5719 Equipment	33,080		(5,080)	28,000
<i>Transfer per agency, savings on equipment to parts and supplies</i>				

**20221 SCENIC CANYON SUBDIVISION [PCT. 3 #98-3-019] \* RELEASE OF MAINTENANCE FISCAL SECURITY (CASH DEPOSIT) AND ACCEPT SCENIC CANYON LANE INTO THE COUNTY ROAD MAINTENANCE SYSTEM [T1-32]**

Environmental Health Director Allen Walther advised that Scenic Canyon has completed its 2 year maintenance period, the road department has inspected the road and drainage, and staff recommends release of maintenance security (cash deposit of \$1600) and acceptance into the county road maintenance system. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to release maintenance fiscal security (\$1600 cash deposit) and accept Scenic Canyon Lane into the County road maintenance system. All voting "Aye".

**20222 FALCONWOOD LOTS 41 & 42 [PCT. 3 #02-3-021] \* APPROVE PARTIAL VACATION OF EASEMENT [T1-45]**

Property owners Donald R. & Pamela S. Lee own lots #41 & #42 and have made plans to combine the two lots into a single homesite. They are requesting the drainage easement along the common property line be relinquished. Partial releases of the 20' public utility easement have been received from Pedernales Electric and CenturyTel. Environmental Health Director Allen Walther spoke of blanket utility and drainage easements on all lots in the subdivision (by plat note) – only a portion of the easement is being release (the portion on which the home will be built). The road department concurs that granting this request will not adversely impact drainage conveyance. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve partial vacation of easement on Falconwood Lots 41 & 42. All voting "Aye".



**20223 HARMON HILLS SECTION 1 RESUBDIVISION OF LOTS H-36 & H-37 [PCT. 4-02 #4-022] \* APPROVE PRELIMINARY PLAT [T1-70]**

Environmental Health Director Allen Walther spoke of continued negotiations for r-o-w on Bell Springs Road. He gave staff recommendation for preliminary plat approval. A letter from the City of Dripping Springs stating that the property is out of the Dripping Springs ETJ was submitted. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plat of "Harmon Hills Section 1 Resubdivision of Lots H-36 & H-37". All voting "Aye".

**20224 HIDDEN CREEK PHASE 1 RESUBDIVISION OF LOTS 19-A & 20-A [PCT.4 0#02-4-019] \* APPROVE PRELIMINARY PLAT [T1-80]**

Environmental Health Director Allen Walther advised that this will be a 5 lot subdivision (large acreage lots). He gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plat of "Hidden Creek Phase I Resubdivision of Lots 19-A & 20-A". All voting "Aye".

**20225 ACTION RELATING TO THE HAYS COUNTY ROAD BOND PROJECTS INCLUDING A REPORT FROM THE COUNTY ENGINEER AND CREATION OF NEW BUDGET LINE ITEMS TO REFLECT CONSTRUCTION COSTS OF RELATED COUNTY ROADS**

[T1-93] Bob Sutton & Bob Austin (Turner, Collie & Braden) gave a power point presentation regarding the Hays County Bond Program Management. They presented a list (wish list) of roads identified on field trips for each precinct for bond projects and a list of roads indicated on the bond package with cost estimates (construction costs only). They will be assigning engineers for design of the roadways. Roads requiring additional r-o-w will require additional design work. Some roads can be built fairly quickly (in 6-9 months). Commissioner Burnett spoke of some roads (in high growth areas) will be more costly. Hays County Road Supt/Engineer Jerry Borcharding spoke of additional roads listed will be addressed if funds are available. Discussion was had regarding Dry Hole Road and Kohlers Crossing (high traffic roads) – school bus traffic is a consideration for Dry Hole Road. Jerry Borcharding advised that the new extension for FM1626 will take away some traffic from Dry Hole Road. He stated that they will be very cautious and frugal with the proposed list. Commissioner Burnett spoke of need to work with TxDot to move projects (ie. RR12, US290, etc.) up on their priority lists (TxDot is in a cash flow issue because of funding shortages) Bob Sutton spoke of strategies we could employ to get those projects moving forward (perform design work, etc.). Commissioner Burnett spoke of need to prioritize these roads and pass minute orders to proceed. Commissioner Molenaar spoke of environmental impact studies and design work that we can do to get TxDot to move forward with projects such as US290, RR12, FM1826. Bob Sutton spoke of some county roads on the list do not need to be reconstructed, they just need upgrading – those requiring reconstruction and additional right-of-way will take longer. Commissioner Carter stated that she spoke with TxDot and they advised her that we could not change their priorities – she feels like bond money should go for county road improvements. Commissioner Molenaar stated that the citizens realized that some of the bond money would go for State roads – it was part of our bond package. Commissioner Burnett spoke of need to set up line items for specific county roads listed. Commissioner Carter advised that Dacy Lane needs to be done soon. Commissioner Ingalsbe asked about consideration of priority roads in her precinct. Jerry Borcharding advised that he will be in touch with the Commissioners. County Auditor Bill Herzog advised that they have these roads laid out already and all they need now is to attach funding amounts. Commissioner Carter asked if Dacy Lane could replace Dry Hole Road and Kohler Crossing. Commissioner Burnett advised that those roads (Dry Hole Rd & Kohlers Crossing) were listed in the minute order and we have a legal obligation to address those roads. [T1-537] A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to establish specific line items for each county road listed in the minute order (election order) and listed as county road bond projects using proposed construction cost estimates. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

PRECINCT 1							
ROAD NAME	#	FROM	TO	MILES	CONST COST	ROW REQ'D	TOTAL
Centerpoint Road	234	IH-35	Hunter Rd	1.10	\$ 472,425.00	Yes	\$ 472,425.00
Heidenreich Ln	152	FM 150	Bunton Ln	1.82	\$ 314,519.00	Yes	\$ 314,519.00
McCarty Ln	233	IH-35	Hunter Rd	1.60	\$ 584,932.00	Yes	\$ 584,932.00
Posey Rd	235	IH-35 NBFR	Old Bastrop Hwy	1.31	\$ 487,390.00	Yes	\$ 487,390.00
Redwood Rd	232	Hwy 123	Guadalupe Co Line	1.88	\$ 362,742.00	Yes	\$ 362,742.00

PRECINCT 2							
ROAD NAME	#	FROM	TO	MILES	CONST COST	ROW REQ'D	TOTAL
Dry Hole Rd	210	IH-35 SBFR	IH-35 SBFR	1.93	\$ 318,124.00	Yes	\$ 318,124.00
Hillside Terrace Rd	133	IH-35 NBFR	FM 2001	1.53	\$ 329,107.00	Yes	\$ 329,107.00
Kohlers Crossing	171	FM 2770	Dry Hole Rd	2.10	\$ 627,584.00	No	\$ 627,584.00
Satterwhite Rd	107	FM 2001	Williamson Rd	3.71	\$ 648,502.00	No	\$ 648,502.00

PRECINCT 3							
ROAD NAME	#	FROM	TO	MILES	CONST COST	ROW REQ'D	TOTAL
Fischer Store Rd	181	FM 2325	Just past CR 180	1.64	\$ 492,193.00	Yes	\$ 492,193.00
Mt. Gainor Rd	220	Mt. Sharp	S Onion Creek Bridge	1.50	\$ 280,190.00	No	\$ 280,190.00



PRECINCT 4							
ROAD NAME	#	FROM	TO	MILES	CONST COST	ROW REQ'D	TOTAL
Mt. Gainor Rd	220	S. Onion CF	E. Mt. Gainor Rd	2.70	\$ 504,341.00	No	\$ 504,341.00
Nutty Brown Rd	163	Hwy. 290	FM 1826	3.58	\$ 1,289,563.00	Yes	\$ 1,289,563.00
Sawyer Ranch Rd	164	Hwy. 290	Darden Hill Rd	3.18	\$ 1,089,735.00	Yes	\$ 1,089,735.00

**20226 AUTHORIZE THE COUNTY JUDGE TO SUBMIT GRANT APPLICATIONS FOR THE FIRE MARSHAL TO OBTAIN SUPPORT EQUIPMENT FOR THE ARSON VEHICLE FOR UP TO \$25,000 AND TO EXECUTE CONTRACT [T1-672]**

Grants Administrator Richard Salmon advised that on January 12, 2002, a grant was submitted to LCRA Community Development Program for \$18,000 to purchase an arson investigation vehicle for the Hays County Fire Marshal. That grant has been approved and a used vehicle, valued at over \$80,000 will be purchase soon for a total of \$28,000 (\$10,000 from the county match and \$18,000 from the LCRA Grant). They would like to submit additional grant requests to a number of potential funders to obtain support equipment for that vehicle. A detailed list was provided. A county match of \$7,077 will be needed as matching funds to submit grant proposals to insurance companies, private non-profit foundations and FEMA Firefighters Grant Program. The maximum amount to be requested is \$25,000. Commissioner Molenaar asked that the record reflect that the county match of \$7,077 will come out of next fiscal years budget. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to submit grant applications for the Fire Marshal to obtain support equipment for the arson vehicle for up to \$25,000 and to execute contract if approved. All voting "Aye".

**20227 WAIVE RENTAL FEE FOR USE OF THE CIVIC CENTER TO THE SOLID ROCK CHURCH YOUTH GROUP ON APRIL 27, 2002 [T1-725]**

Commissioner Ingalsbe advised that the Solid Rock Church Youth Group is trying to raise funds for a missionary trip they will be taking this summer. They want to hold a car show at the Civic Center to help raise money for the expenses and are asking the court to consider waiving the rental fee. They will be using the dance floor area only and the amount that would be waived is \$450.00. A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to waive rental fee for use of the Civic Center to the Solid Rock Church Youth Group on April 27, 2002. All voting "Aye".

**20228 AUTHORIZE THE COUNTY JUDGE TO SIGN AN AGREEMENT ALLOWING PHENCON INC. TO PERFORM CLAIM ADMINISTRATION IN THE INVESTIGATION OF THE ROOF AT THE HAYS COUNTY JAIL [T1-756]**

Road Supv./Engineer Jerry Borcharding spoke of county being notified by Phencon regarding a class action suit settlement regarding Beazer Phenolic Foam Roof Insulation. The county was brought into this settlement because of a claim on the roof at the jail. They are offering a comprehensive inspection of the entire roofing system to see if this roof insulation has caused damage at the jail. There is no cost associated with this agreement. Jerry Borcharding stated that there have been some leak problems at the jail but we do not know if they are associated with this system. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to sign an agreement allowing Phencon Inc. to perform claim administration in the investigation of the roof at the Hays County Jail. All voting "Aye".

**Yes, we would like assistance in processing our claim.....**

**Claimant:** Hays County  
 111 E. San Antonio #304A  
 San Marcos, Tx 78666  
 PH: 512-393-2205  
 FAX: 512-393-2276

**Building:** Hays Co. Law Enforcement  
 1307 Uhland Rd  
 San Marcos, TX

**PhenCon Inc. (PhenCon)** is hereby authorized to perform claim administration in the investigation of recovery of damages for losses incurred from the installation of phenolic foam roof insulation (PFRI). Included in this service are the following:

- ◆ Preparing forms to obtain inspection by third party adjuster.
- ◆ Preparation of detailed specifications for replacement to match existing conditions including roof drawings.
- ◆ Solicitation of bids from qualified contractor base as well as contractors recommended by owner.
- ◆ Bid review and submission to Beazer East Inc.
- ◆ Assistance in negotiating final settlement.

All services are provided at **no cost** to the building owner. Project design fees (if applicable) will be recovered from Beazer East Inc. on your behalf as provided for in the class action settlement and do not decrease the amount of your settlement. If you choose to pursue your claim without the services of a qualified PFRI Design Professional, you forfeit the design fee compensation you have been awarded for this project.

**This agreement does not obligate building owner to replace their roof system.**


**WORKSHOP TO DISCUSS IMPLEMENTATION OF HB 1445** [T1-818]

Environmental Health Director Allen Walther spoke of previous discussions and decision by the court to have public workshops regarding House Bill 1445. We have received no response regarding the AG's opinion. Curt Busk (Wimberley City Council) stated that they want the same option as San Marcos (Option #1 – city has control of their ETJ). Allen Walther advised that city staff needs to work with county staff to come up with specific agreements. Commissioner Carter spoke of citizens complaining that they have no representation in the ETJ area. Mr. Busk spoke of Dripping Springs' method in which they have citizens outside the city limits on the planning & zoning (minimum of 3). Commissioner Molenaar spoke of having a good working relationship with the City of Dripping Springs and he would like to see incorporating LGC 232 into the city rules. Each City has their own rules which causes a great deal of confusion – he spoke of need for all people to be represented. Allen Walther advised that an area in the ETJ that is not going to be annexed is still the responsibility of the county – the county retains the responsibility for maintaining the roads and drainage, responsible for on-site sewage facilities (TNRCC rules), responsible for floodplain development permitting (FEMA rules), and water availability requirements – we cannot shift these duties to the cities. [T1-1082] Charles Odell (Dripping Springs ETJ/Board Member of Friendship Alliance) spoke of need for regional planning – he spoke of HB1445 Option #4 establishing one office – he spoke of need for representation. Judge Powers felt like the law needs to be changed to allow ETJ citizens to serve on city councils. Commissioner Molenaar spoke of things that must be taken into consideration if creating one office – everyone wants to be protected and represented. Allen Walther spoke of draft agreements that were sent to all the cities, each will have to be individualized – the city's next step is to make suggested changes and work with county staff to come up with a final document. There are 11 cities in Hays County and each will have different issues. The draft agreement addresses shared access driveways, family property division, etc. – items addressed in the local government code that do not pertain to municipalities. Commissioner Carter spoke of need to protect property rights. Allen Walther advised that properties that lie in these areas are not currently exempt from ETJ requirements, they must comply with both county and municipal requirements. They must deal with two entities vs one. Commissioner Molenaar spoke of Austin ETJ and move to incorporate areas to prevent the City of Austin rules. Mr. Odell spoke of advantages of having one office that could address issues by all cities and the county without loss of control by those entities. Commissioner Carter felt like that would be more bureaucracy – the cities and county would still have to have their own subdivision review department for those not located in ETJ's. Mr. Odell suggested getting together as a group to work things out. Commissioner Burnett spoke of need for legislation to clean up this bill – we are sending correspondence to Senator Madla advising him of problems we see in this bill. Allen Walther encouraged input from citizens. [T1-1826] Patrick Murphy, with the City of Austin, advised that they are interested in reaching an agreement and he thanked the court for this opportunity. Judge Powers advised that he continues to discuss this issue with the City Mayors. Commissioner Ingalsbe felt like it was great the way it was and she does not know why change is needed.

**Court was adjourned.**

**MINUTES APPROVED IN OPEN COURT ON THE 23<sup>RD</sup> DAY OF APRIL, 2002.**

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

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

