



STATE OF TEXAS 0
 COUNTY OF HAYS 0

ON THIS THE 2nd DAY OF JULY A.D., 2002, 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
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Juvenile Probation Dept - Chief Juvenile Probation Officer Ed Cooper presented a 10 year service pin to Jesse DeLeon. County Clerk's Office - County Clerk Lee Carlisle presented a 5 year pin to Dorothy Lynn Curry
 The following employees earned service pins, but were not present: Sheriff's Office – Sheriff Don Montague (15 years), Timothy Schneider (10 years), Ralph Williams (10 years), and Kendra O'Cayce (5 years). District Clerk's Office – Beverly Crumley (10 years)

20385 APPROVE THE COMMISSIONERS' COURT MINUTES OF JUNE 25, 2002

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve the Commissioners' Court Minutes of June 25, 2002 as presented by the County Clerk. All voting "Aye".

20386 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve payment county invoices in the amount of \$487,980.26 as presented by the County Auditor. All voting "Aye".

Public Safety Svcs	\$ 45,369.70	Fines	\$ 55.00	TDHCA Funds	\$ 408.36
Auditors Office	\$ 35.77	Treasurers Office	\$ 232.71	Extension Office	\$ 1,444.31
Grants Admin	\$ 24.94	Comm & Social Svcs	\$ 156,336.25	Transfer Station	\$ 9,986.80
Bldg Mtc Dept.	\$ 8,234.67	Environ Health	\$ 388.70	Civic Center	\$ 2,109.54
Countywide Oper	\$ 79,522.20	Tax A/C Office	\$ 293.45	District Clerk's Office	\$ 979.86
Sheriff's Dept.	\$ 11,936.79	Jail Operations	\$ 20,601.45	Human Resources	\$ 5.00
J.P 2	\$ 25.00	J.P. 4	\$ 393.61	J.P. 5	\$ 198.14
Constable 2	\$ 1,294.19	Constable 3	\$ 38.05	Constable 4	\$ 262.43
District Clerk Oper	\$ 11,084.87	Co & JP Oper	\$ 2,031.62	Precinct 1	\$ 523.55
Precinct 2	\$ 170.17	Precinct 3	\$ 150.94	Veterans Adm Office	\$ 38.71
Computer Svcs	\$ 5,262.08	Fire Marshal/EMC	\$ 291.86	Assoc Judge/Family	\$ 23.50
Animal Control	\$ 11,750.00	General Fund Credit	<\$313.42>	R&B Operations	\$ 80,221.39
Right of Way	\$ 1,500.00	R&B Gen Fund Credit	<\$27.39>	Hays Co Parks Fund	\$ 567.47
Health Svcs Grants	\$ 2,384.07	Law Library Fund	\$ 3,133.80	Juvenile Center	\$ 10,879.27
Sheriff Bail Bond	\$ 167.05	Sheriff Spec Proj	\$ 37.76	Medical/Dental Insur	\$ 110.00
Sheriffs Drug Forf	\$ 896.34	Family Health Svcs	\$ 689.13	Road Bond S.2001	\$ 16,230.57

20387 APPROVE BUDGET AMENDMENT 02-30

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve Budget Amendment #02-30 as proposed by the County Auditor. All voting "Aye".

AMENDMENT NO. 2002-30 FY 2002 BUDGET 07-02-02				
FUND NO. 01 FUND TITLE <u>GENERAL FUND</u>				
LINE ITEM - EXPENDITURES	APPROPRIATION	AMENDMENT		APPROPRIATION
	BEFORE	INCREASES	DECREASES	AS
	AMENDMENT			AMENDED
DISTRICT CLERK (416):				
01-416-5212 Postage	7,100	2,000		9,100
01-416-5160 Insurance	46,107		(2,500)	43,607
01-416-5211 Office Supply	5,029	500		5,529
		<u>2,500</u>	<u>(2,500)</u>	
<i>Transfer for needed expense from personnel savings</i>				



FUND NO. <u>01</u>				
FUND TITLE <u>GENERAL FUND</u>				
<u>LINE ITEM - EXPENDITURES</u>	APPROPRIATION BEFORE	<u>AMENDMENT</u>		APPROPRIATION AS
	<u>AMENDMENT</u>	<u>INCREASES</u>	<u>DECREASES</u>	<u>AMENDED</u>
AMENDMENT NO. <u>2002-30</u> FY 2002 BUDGET 07-02-02				
JUSTICE OF THE PEACE, PCT.4 (428):				
01-428-5391 Other	-0-	250		250
01-428-5321 Dues & Bonds	150	50		200
01-428-5335 Time Payment Expense	360		(300)	60
		<u>300</u>	<u>(300)</u>	
<i>Transfer for additional change fund and balance of notary bond</i>				
COMMISSIONER, PCT. 1 (439):				
01-439-5331 Cont Ed	1,000	600		1,600
01-439-5353 Special Projects	2,500	1,000		3,500
01-439-5160 Insurance	7,847		(1,600)	6,247
		<u>1,600</u>	<u>(1,600)</u>	
<i>Transfer for dumpster cost from personnel savings</i>				
SWT/CJD/ALERT PROJECT (707):				
01-707-5021 Staff	-0-	10,289		10,289
01-707-5101 FICA/RET	-0-	1,699		1,699
01-707-5160 Insurance	-0-	982		982
01-707-5346 Worker Comp	-0-	367		367
01-707-5713 Vehicle	-0-	<u>32,321</u>		32,321
		<u>45,658</u>		
REVENUE:		DECREASE:		INCREASE:
01-386-2707 SWT/ALERT Project	-0-			<u>45,658</u>
<i>Budget new grant pass-thru from SWT for balance of FY02</i>				
FUND NO. <u>03</u>				
FUND TITLE <u>ROAD & BRIDGE GENERAL FUND</u>				
ROAD & BRIDGE OPERATIONS (438):				
03-438-5262 Signs and Barricades	50,000	500		50,500
03-438-5351 Materials	1,999,666		(500)	1,999,166
<i>Transfer for needed expense</i>				

20388 APPROVE UTILITY PERMIT #01592

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve Utility Permit # 01592 on CR157/Goforth Road issued to Verizon as submitted by the County Road Department. All voting "Aye".

20389 AUTHORIZE THE REIMBURSEMENT OF TRAVEL EXPENSES FOR THE HAYS COUNTY EXTENSION AGENT TO ATTEND THE NATIONAL COUNTY AGRICULTURE AGENTS ASSOCIATION MEETING IN SAVANNAH, GA

The County Extension Office is requesting authorization to be reimbursed for attendance to the National County Agriculture Agent Association meeting in Savannah, Georgia, July 26 – 30, 2002. County Extension Agent Rachel Bauer is receiving recognition for being a State Achievement Award winner. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to authorize the reimbursement of travel expenses for the Hays County Extension Agent to attend the National County Agriculture Agents Association meeting in Savannah, Ga. All voting "Aye".

Clerk's Note: Agenda Item # 6 "Hays County Emergency Order Prohibiting Outdoor Burning" was pulled from the agenda due to current rainy conditions.

**20390 ROCK CREEK** [PCT. 4 #02-4-017] * **APPROVE PRELIMINARY PLAT** [T1-113]

This is a one lot subdivision that is platting the Right-of-Way for the main road that will serve this subdivision. Developer has received preliminary approval of the City of Dripping Springs and this phase has approval from the U.S. Fish & Wildlife for its conceptual plan. Jim George (lives in Bear Creek Estates) complemented Commissioner Molenaar on his openness – his concern is the proposed road onto FM1826 – a fairly large bridge is necessary over Bear Creek and comes close to his neighborhood. Mr. George spoke of increased traffic on FM1826 which violates the CAMPO 2025 plan and dumps traffic onto FM1826. He also spoke of there being a pollution issue and a high volume of traffic issue. Mr. George urged the court to make the developer use the FM967 route rather than the FM1826 route. Brian Dudley presented his written comments regarding this development – he went through his concerns: He served on the County's Blue Ribbon Transportation Committee which helped develop the county plan – specific road policies and a proposed road map was adopted by the Commissioners' Court as the County Road Plan on May 16, 2000. Mr. Dudley feels like this road should not be a connection to FM1826 because it contradicts the County Roadway Plan and its traffic uses up almost ¾ of the capacity of FM1826 even after it is widened to 4 lanes. He presented traffic facts indicating the amount of additional traffic that would be added to FM1826 each day. He asked that the court only approve this plat if the spur road which stubs out toward FM1826 is removed from the plat and send a message to Rock Creek that it must continue to lay out road access without planning a connection to FM1826. Mr. Dudley stated that this is not a good road idea and should not ever occur – it will seize all of the FM1826 road capacity and leave none for the many county residents who live along FM1826 and its current feeder roads – they are absolutely dependent on FM1826 for their mobility and well being and he feels like the Commissioners' Court must preserve it for them. [T1-319] Andrew Backus (Goldenwood Subd. resident) agrees with what has been said – he spoke of there being a budget shortage in trying to maintain roads and he would like the county do the planning and not let developers drive development in the county. Ed Wendler (Cypress Realty representative) presented a drawing of the proposed road – he advised that the county has already approved the road planned through the Krasavak Tract (Vistas of Tustin Ranch - an expired subdivision) – they agree with the concerns and they would like to get access to SH45 – he feels like the people on FM967 will eventually end up on FM1826 and will have to go pass many more residences than through the proposed roadway – he spoke of the City of Austin blocking access by buying parkland. Commissioner Molenaar spoke of his commitment to Bear Creek and Goldenwood residents that he would never make this an entrance to Mopac – he spoke of T crossing on proposed roadway and he spoke of issues regarding emergency vehicles and traffic through other subdivisions. Commissioner Molenaar spoke of traffic from this subdivision will end up on FM1826 whether their access is FM967 or FM1826. This is a voluntary plat and does not have to go through the county subdivision process, however, the developer has been cooperating with the county. There will be a phased development agreement so we can have a better understanding of what will be going on in this subdivision. Brian Dudley spoke of model in the study already on file with the county – they think it would be better to have primary entrance/exit to the subdivision on FM967 – some traffic will go to FM1626 instead of FM1826. Commissioner Molenaar spoke of his dilemma – the county cannot stop this development by law. Brian Dudley suggested having the developer delete the stub out onto FM1826 – they will use up all the capacity of FM1826 – violates 9B of the county's plan. Commissioner Burnett asked if Mr. Dudley had done the same analysis on FM967 as he did on FM1826? Brian Dudley spoke of splitting the traffic in a variety of directions instead of all going onto one road. Commissioner Molenaar spoke of possible connection to SH45. The roadway will have a 100 ft. R-O-W (a 2 lane roadway) to accommodate 8 foot shoulders which would allow bicycle traffic, pedestrian traffic, etc. Mr. Wendler stated that a 25,000 vehicle traffic count figure is twice too much – traffic study shows that half the traffic would go in different direction – not all the traffic will go onto FM1826. Environmental Health Director Allen Walther advised that the developer does not have to go through the county platting process. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plat of "Rock Creek" subdivision. All voting "Aye".

20391 DRIPPING SPRINGS RANCH PHASE 2 REPLAT OF TRACT 2A-2, 3B-1 & 3B-2 [PCT. 4 #02-4-049] * **WAIVE PUBLIC HEARING AND APPROVE FINAL PLAT** [T1-828]

Environmental Health Director Allen Walther advised that 3 lots are being made into 2 lots, therefore, staff recommends waiving the public hearing and approving the final plat. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to waive public hearing and approval final plat of "Dripping Springs Ranch Phase 2 Replat of Tract 2A-1, 3B-1 & 3B-2. All voting "Aye".

20392 DRIPPING SPRINGS RANCH PHASE 2 REPLAT OF TRACT 5 [PCT. 4#02-4-050] * **APPROVE PRELIMINARY PLAT** [T1-844]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plat of "Dripping Springs Ranch Phase 2 Replat of Tract 5". All voting "Aye".

Clerk's Note: Agenda Item #11 "ACTION TO IMPLEMENT A POLICY IN HAYS COUNTY REQUIRING COUNTY OFFICES TO PURCHASE OFFICE COPIER PAPER WITH AT LEAST 30% RECYCLED CONTENT" was pulled by Commissioner Carter. No discussion and no action taken.



JULY 2, 2002

VOL S PG 445

20393 AUTHORIZE AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS TO ALLOW THE CITY OF SAN MARCOS TO CHOOSE A LAW FIRM TO PERFORM DELINQUENT TAX COLLECTIONS SERVICES [T1-861]

Judge Powers spoke of request from the City of San Marcos to amend their interlocal agreement. Commissioner Carter spoke of Tax Assessor-Collector Luanne Caraway being opposed to this action and she suggested tabling this item until Luanne Caraway is able to appear before the court. A motion was made by Commissioner Carter to table action on this agenda item at this time – motion died for lack of a second. Commissioner Burnett spoke of other cities and school districts that have taken similar action – he feels like they should have a choice. Commissioner Carter spoke of Tax A/C stating that it complicates things in her office and confuses the taxpayers as well as increases the work in her office and compromises her efficiency. Judge Powers spoke of the City of San Marcos asking to use a different law firm and we should give them that right. Commissioner Burnett spoke of need to consider a policy that allows either all or none having a choice of firms – this is not the current policy. Commissioner Molenaar stated that he has full confidence in Luanne Caraway, however, the city has the right to choose their own collection services. Commissioner Ingalsbe spoke of the Tax Office already dealing with 3 different tax attorneys – the court may need to consider changes in costs. [T1-1015] PUBLIC COMMENT: Sam Davis spoke of county official in charge of implementing this interlocal agreement and working with these lawyers has a lot of concerns about the compatibility and the effectiveness of the system involved – this official (Mrs. Caraway, the Collector) is temporarily indisposed until the end of this month and he believes action should be delayed until a full and open discussion can be held with all entities involved. Judge Powers advised that he has spoken to Luanne Caraway about this issue but he feels strongly that the City of San Marcos has a right to choose their own law firm. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to authorize an amendment to the Interlocal Agreement between Hays County and the City of San Marcos to allow the City of San Marcos to choose a law firm to perform delinquent tax collection services. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting “Aye”. Commissioner Carter voting “No”.

20394 EXECUTIVE SESSION PURSUANT TO 551.071(1)&(2), TEX. GOV'T. CODE, AND RULE 1.05 TEX. RULES OF PROFESSIONAL CONDUCT, TO CONFER WITH LEGAL COUNSEL REGARDING THE CONDEMNATION OF PROPERTY TO OBTAIN RIGHT-OF-WAY FOR FM 1626 AS FOLLOWS: 5.89 ACRES OF LAND IN THE JOHN KING SURVEY, A 276, AND THE J.M. GREEN SURVEY, A-200, HAYS COUNTY, TEXAS, OUT OF A 186.309 ACRE TRACT CONVEYED TO HARVEY EVANS, GLORIA EVANS AND ED FLUME JR., BY DEED OF RECORD IN VOLUME 804, PAGE 65, REAL PROPERTY RECORDS OF HAYS COUNTY (HARVEY & GLORIA EVANS) WITH ACTION [T1-1080]

Judge Powers advised that the county's Special Counsel is not here today. Kyle Attorney Barney Knight advised that he will be present as legal counsel. The court convened into closed executive session pursuant to Texas Government Code Section 551.071(1) & (2) and Rule 1.05 Texas Rules of Professional Conduct to confer with legal counsel regarding the condemnation of property to obtain right-of-way for FM1626 as follows: 5.89 acres of land in the John King Survey, A-276 and the J.M. Green Survey, A-200, Hays County, Texas, out of a 186.309 acre tract conveyed to Harvey Evans, Gloria Evans and Ed Flume Jr. by Deed of Record in volume 804, page 65, Real Property Records of Hays County (Harvey & Gloria Evans). [T1-1088] Upon completion of the closed session, the court reconvened into open meeting. Commissioner Carter and Commissioner Burnett were not present for the open session. A motion was made by Judge Powers, seconded by Commissioner Molenaar, to support the City of Kyle and the action they are taking in moving forward with this project. All present voting “Aye”.

Court was adjourned.

MINUTES APPROVED IN OPEN COURT ON THE 9TH DAY OF JULY, 2002

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

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

