



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 30th DAY OF JULY 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 Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

**PUBLIC COMMENTS**

Scott Reynolds read a letter from his wife Stephanie Reynolds requesting that the mosquito spraying program be reconsidered and rescinded – she is a chemically sensitive person and is opposed to the spraying of pesticides – this spraying can be life threatening to some people.

Susan Pittman (Wimberley resident) requested that mosquito eradication program be reconsidered – she spoke of information she has obtained regarding the chemicals to be used (nerve poison, possible carcinogen, more toxic to children than adults) – she spoke in opposition to this program.

**20432 APPROVE THE COMMISSIONERS' COURT MINUTES OF JULY 23, 2002**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the Commissioners' Court Minutes of July 23, 2002 as presented by the County Clerk. All voting "Aye".

**20433 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 \$230,698.85 as presented by the County Auditor. All voting "Aye".

Public Safety Svcs	\$ 104.00	Fines	\$ 871.41	Interest Earnings	\$ 11,347.51
Auditor's Office	\$ 279.73	Treasurers Office	\$ 107.43	Extension Office	\$ 175.00
Grants Admin	\$ 2.75	Juvenile Prob Ofc	\$ 29,327.58	Indigent Care	\$ 10,839.03
Transfer Station	\$ 7,055.00	Building Maint. Dept.	\$ 8,673.99	Environmental Health	\$ 572.75
Civic Center	\$ 109.46	Countywide Oper	\$ 8,681.59	Tax A/C Office	\$ 1,479.35
District Clerk's Ofc	\$ 691.11	Sheriffs Office	\$ 7,021.50	Jail Operations	\$ 33,980.24
County Judge's Ofc	\$ 72.00	Human Resources	\$ 664.26	District Atty's Office	\$ 1,255.66
J.P. 1-2	\$ 60.06	J.P. 2	\$ 72.77	J.P. 5	\$ 177.86
DPS	\$ 587.81	Constable 1	\$ 433.65	Constable 2	\$ 102.50
Constable 4	\$ 402.50	Constable 5	\$ 54.90	District Court Oper	\$ 11,559.86
Co & JP Court Oper	\$ 1,177.50	Precinct 1	\$ 21.95	Precinct 2	\$ 24.42
Veterans Admin	\$ 1,164.43	Computer Services	\$ 1,483.84	TJPC Salaries Grant	\$ 2,000.00
DPS/L&W	\$ 71.50	Fire Marshal/EMC	\$ 98.00	TJPC CCAP Grant	\$ 8,671.60
Assoc Judge/Family	\$ 20.70	Special Counsel	\$ 43.80	CJD/VOCA Grant	\$ 781.78
CJD/AWA Grant	\$ 51.96	CDJ/Truancy Ofcr	\$ 79.99	Waste Task Force	\$ 81.00
911 Addrs Mtc Grant	\$ 595.43	Title 4 Juv Prob Grant	\$ 6,932.72	Juv Justice Alt Ed Grant	\$ 232.20
R&B Operating	\$ 41,947.22	Right of Way	\$ 1,775.00	R&B Gen Fund Credit	<\$42.99>
Hays Co Parks Fund	\$ 3,004.25	Rec Mng/County Clerk	\$ 59.39	Health Svcs Grants	\$ 3,739.73
Hays Co Juvenile Ctr	\$ 3,751.45	Sheriffs Spec Proj Fund	\$ 25.00	Medial & Dental Insur	\$ 60.00
Sheriffs Drug Forf Fund	\$ 479.94	Family Health Svcs	\$ 3,954.68	DOJ/Equip & Tech	\$ 451.26
Tobacco Settlement	\$ 380.29	Road Bond S.2001 Cnst	\$ 11,008.21		



**20434 APPROVE BUDGET AMENDMENT 02-34**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Amendment No. 02-34 as proposed by the County Auditor. All voting "Aye".

				<b>AMENDMENT NO. 2002-34 FY 2002 BUDGET 07-30-02</b>
<b>FUND NO. 01 FUND TITLE GENERAL FUND</b>				
<b>LINE ITEM - EXPENDITURES</b>	<b>APPROPRIATION BEFORE AMENDMENT</b>	<b>AMENDMENT</b>		<b>APPROPRIATION AS AMENDED</b>
		<b>INCREASES</b>	<b>DECREASES</b>	
<b>INDIGENT CARE (408):</b>				
01-408-5492 Pauper Burial	12,000	10,000		22,000
01-408-5431 Medical Services <i>Transfer for needed expense</i>	174,700		(10,000)	164,700
<b>COUNTY COURT @ LAW #1 (422):</b>				
01-422-5211 Office Supply	1,000	600		1,600
01-422-5212 Postage	1,200	200		1,400
01-422-5335 Time Payment	3,335		(1,000)	2,335
<b>COUNTY COURT @ LAW #2 (461):</b>				
01-461-5212 Postage <i>Transfer for needed expense</i>	1,000	<u>200</u> <u>1,000</u>	<u>(1,000)</u>	1,200
<b>JUSTICE OF THE PEACE 1-2 (425):</b>				
01-425-5211 Office Supply	3,500	500		4,000
01-425-5335 Time Payment Expense <i>Transfer for TV/VCR and stand for courtroom</i>	9,100		(500)	8,600
<b>ENVIRONMENTAL HEALTH (411):</b>				
01-411-5211 Office Supply	4,000	1,000		5,000
01-411-5212 Postage	3,500	500		4,000
01-411-5449 Temp Personnel <i>Transfer for needed expense</i>	4,000	<u>1,500</u>	<u>(1,500)</u>	2,500
<b>DEPARTMENT OF PUBLIC SAFETY (430):</b>				
01-430-5473 Equipment Lease	3,840	650		4,490
01-430-5417 Law Enforcement Equip Maint <i>Transfer for additional vehicle radar</i>	800		(650)	150
<b>CONSTABLE, PCT. 4 (434):</b>				
01-434-5211 Office Supply	550	500		1,050
01-434-5717 Law Enf Equipment <i>Transfer for desk and chair</i>	5,278		(500)	4,778
<b>CONSTABLE, Pct. 3 (433):</b>				
01-433-5717 Law Enf Equipment	3,587	60		3,647
01-433-5235 Law Enf Supply <i>Transfer for balance laptop from supplies savings</i>	250		(60)	190
<b>SHERIFF OFFICE (418):</b>				
01-418-5031 OT/Holiday	150,000	4,000		154,000
01-418-5211 Office Supply	15,200	2,000		17,200
01-418-5311 Travel	1,000	150		1,150
01-418-5321 Dues & Bonds	2,000	250		2,250
01-418-5362 C.I.D.	10,000	1,200		11,200
01-418-5366 Reserve Div	1,500	150		1,650
01-418-5411 Office Equipment Maintenance	500	33		533
01-418-5415 Communications Maintenance	7,500	1,400		8,900
01-418-5489 Telephone/Fax/Mobile	90,000	32,200		122,200
01-418-5801 Training Div	40,166	2,100		42,266
01-418-5235 Law Enf Supplies	51,824		(5,000)	46,824
01-418-5213 Books	5,000		(1,000)	4,000
01-418-5192 Uniform Allowance	38,700		(3,000)	35,700
01-418-5271 Fuel	250,000		(15,000)	235,000
01-418-5160 Insurance	388,476		(5,000)	383,476
01-418-5101 FICA/RET	585,929		(5,000)	580,929
01-418-5021 Staff	3,224,566		(9,483)	3,215,083
		<u>43,483</u>	<u>(43,483)</u>	
<i>Transfer from Line Item savings</i>				



				AMENDMENT NO. <u>2002-34</u> FY 2002 BUDGET 07-30-02
<b>FUND NO. 01</b>				
<b>FUND TITLE GENERAL FUND</b>				
<u>LINE ITEM - EXPENDITURES</u>	APPROPRIATION BEFORE	AMENDMENT		APPROPRIATION AS AMENDED
	AMENDMENT	INCREASES	DECREASES	
<b>JAIL (419):</b>				
01-419-5212 Postage	3,500	750		4,250
01-419-5234 Inmate Personal/Unif	9,750	3,700		13,500
01-419-5235 Law Enf Supplies	5,700	775		6,475
01-419-5281 Janitorial Supply	35,000	3,800		38,800
01-419-5431 Medical/Dental Services	120,000	7,000		127,000
01-419-5021 Staff	3,608,900		(13,753)	3,595,147
01-419-5101 FICA/RET	636,676		(2,272)	634,404
01-419-5719 Misc Equipment	38,500	10,000		48,500
01-419-5451 Contract Building Maint	50,000		<u>(10,000)</u>	40,000
		<u>26,025</u>	<u>(26,025)</u>	
<i>Transfer for needed expense and replacement washing machine from personnel savings and building maintenance</i>				
<b>EXTENSION OFFICE (403):</b>				
01-403-5311 Travel	700	300		1,000
01-403-5413 Vehicle Maintenance	1,400	1,665		3,065
01-403-5480 Utilities	5,000	260		5,260
01-403-5489 Telephone	5,000	550		5,550
01-403-5271 Fuel	2,500		(800)	1,700
01-403-5021 Staff	63,875		<u>(1,975)</u>	61,900
		<u>2,775</u>	<u>(2,775)</u>	
<i>Transfer for transmission &amp; needed expense from personnel/fuel savings</i>				
<b>FUND NO. 08</b>				
<b>FUND TITLE RECORDS MANAGEMENT/COUNTY CLERK</b>				
<b>RECORDS MANAGEMENT (445):</b>				
08-445-5212 Postage	8,400	4,000		12,400
08-445-5215 Perm Record Supply	19,217		(4,000)	15,217
<i>Transfer for needed expense</i>				
<b>FUND NO. 35</b>				
<b>FUND TITLE FAMILY HEALTH SERVICES FUND</b>				
<b>PERSONAL HEALTH (412):</b>				
35-412-5231 Medical Supplies	30,850	3,000		33,850
35-412-5431 Medical Services	8,950	3,000		11,950
35-412-5021 Staff	358,688		(6,000)	352,688
		<u>6,000</u>	<u>(6,000)</u>	
<i>Transfer for needed medical expense from personnel savings</i>				

**20435 BEN LUCAS SUBDIVISION** [PCT. 1 #02-1-048] \* **APPROVE FINAL PLAT** [T1-175]

This is a 2 lot subdivision with access on CR127/High Road. Lot 1 has access to CR127 via a shared access driveway. Subdivision Coordinator Jon Thompson gave staff recommendation for final plat approval. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve the final plat of "Ben Lucas Subdivision". All voting "Aye".

**20436 ELLIOTT RANCH SECTION 3** [PCT. 2#00-2-125] \* **APPROVE FINAL PLAT**

Subdivision Coordinator Jon Thompson gave staff recommendation for final plat approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of "Elliott Ranch Section 3". All voting "Aye".



JULY 30, 2002

\*\*\*\*\*

VOL S PG 467

**20437 CREEK ROAD RANCH SECTION 1 [PCT. 4 #02-4-026] \* APPROVE FINAL PLAT [T1-199]**

Subdivision Coordinator Jon Thompson gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve final plat of "Creek Road Ranch Section 1". All voting "Aye".

**20438 ROLLING OAKS SECTION 2 REPLAT OF LOTS 9 & 10 [PCT. 4 #02-4-038] - PUBLIC HEARING AND APPROVE FINAL PLAT [T1-213]**

Judge Powers declared the public hearing open – no public input was received and the public hearing was closed. Subdivision Coordinator Jon Thompson gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Rolling Oaks Section 2 Replat of Lots 9 & 10". All voting "Aye".

**20439 HENDERSON SUBDIVISION [PCT. 4 #02-4-051] \* APPROVE FINAL PLAT [T1-231]**

Subdivision Coordinator Jon Thompson gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Henderson Subdivision". All voting "Aye".

**20440 CALL FOR PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS FOR COUNTRY OAKS SECTION 1 SUBDIVISION ON AUGUST 13, 2002 [T1-238]**

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on August 13, 2002 to consider establishing traffic regulations for "Country Oaks Section 1" subdivision. All voting "Aye".

**20441 CONTINUATION OF THE SELECTION OF MEMBERS FOR THE HAYS COUNTY SALARY GRIEVANCE COMMITTEE PURSUANT TO 152.104 LGC [T1-250]**

Judge Powers made the following Hays County Salary Grievance Committee selections pursuant to Local Government Code 152.104: Steve Larry Taylor, Randall L. McKee, Alicia Rayos Hurtado, Juan Garza Jr., Thomas W. Boles, Jose Cirilo Duran, & Cathy Willhoite.

**20442 APPROVE PURCHASE OF "MINUTES MINDER" SOFTWARE FOR COMMISSIONERS' COURT MINUTES AND AUTHORIZE COUNTY CLERK TO ENTER INTO A SOFTWARE MAINTENANCE/SUPPORT AGREEMENT WITH LANDATA TECHNOLOGIES, INC. TO BE EFFECTIVE OCTOBER 1, 2002 [T1-267]**

County Clerk Lee Carlisle advised that this funding request has been submitted in the FY03 budget – it will not be funded out of the General Fund – it will be funded out of Records Management Funds which is a users fee revenue fund. Mr. Carlisle advised that the "Minute Minder" software will provide key word search of minutes, scanning of backup agenda material, and internet access. He advised that for a point of "open records" and "open government" it is state-of-the-art. A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve purchase of "Minutes Minder" software for Commissioners' Court Minutes and authorize the County Clerk to enter into a software maintenance/support agreement with Landata Technologies Inc. to be effective October 1, 2002. All voting "Aye".

**PUBLIC COMMENT**

[T1-375] Rick Reed appeared representing the owners of Railyard Subdivision. He spoke of this being an ongoing development – they filed their application for this subdivision on 8/31/01 after obtaining a wastewater permit from TNRCC – that permit was appropriately sized for this development. The applicant has been working diligently with county staff to address concerns and make sure they are fully in compliance with State law and County subdivision regulations. They have not received any notice of deficient items under State Law or County Subdivision Regulations and has not requested any variances. The County has made certain requests beyond what is legally required regarding streets (upgrade to county standards some streets in or near that subdivision) and the applicant has agreed to those in writing and the county has asked for certain information regarding the operator of the permitted wastewater treatment facility – the wastewater operator has not been contracted with at this time (not required by regulation at this time). He explained why this type of utility was chosen (for affordable housing development). Mr. Reed spoke of 60 day window the county has to either approve or disapprove of this subdivision – if the court disapproves it must give developer a specific written list of the legal deficiencies and if it doesn't do so, the plat is deemed approved. The 60 day window closes at beginning of next week and the Applicant requests that this item be placed on the agenda next Tuesday and approve it according to the rules and regulations that were in effect on August 31, 2001 when the application was filed (Chapter 245 of the Local Government Code).



**WORKSHOP REGARDING THE HAYS COUNTY ROAD BOND PROGRAM INCLUDING A PRESENTATION BY TURNER, COLLIE & BRADEN, INC., HAYS COUNTY'S GENERAL ENGINEERING CONSULTANT/PROGRAM MANAGER [T1-450]**

Commissioner Burnett advised that this is a workshop with no action, as posted – it is an update of the Hays County Road Bond Program. Bob Sutton of Turner, Collie & Braden Inc. (TC&B) spoke of 85 total miles of roadway improvements. Commissioner Carter advised that Heidenreich Lane is now located in Pct. 1 rather than Pct. 2. Bob Sutton spoke of Wimberley By-Pass project in Pct. 3 – they recommend looking at this as a county project rather than a state project (the cost could be approximately the same when you consider constructing a state road vs. county road). Commissioner Burnett advised that the county had requested a feasibility study by TxDot of the Wimberley By-Pass back in 1993 and it still has not been done. He would like a public meeting with the citizens of Wimberley and then with the Commissioner's Court to receive input regarding this project. Commissioner Molenaar spoke of State focusing on turnpikes rather than farm-to-market roadways. He does not feel like TxDot will ever build the Wimberley By-Pass. [T1-769] Tony Magee, Mayor of Wimberley and 20 year resident of Hays County, spoke of importance of the loop around Wimberley – all traffic that comes through Wimberley must channel through Ranch Road 12 and during busy times RR12 can become impassable. He feels like it is a county problem and not a city problem – the population being served is western Hays County. Commissioner Burnett spoke of this being a priority with many groups and individuals. [T1-947] Clint Frankman agreed with Mayor Magee – the longer you wait on this project, the more it will cost – everyone he talks with in Wimberley are in support of this project.

**County/State Funding**

37.3 miles of County Roads for \$25,956,200  
47.6 miles of State Roads for \$21,043,800  
**84.9 miles of TOTAL ROADS for \$47,000,000**

**PRECINCT 1 COUNTY ROAD PROJECTS**

County Road #	Roadway	From	To	Miles
232	REDWOOD RD	SH123	GUADALUPE CO	1.88
235	POSEY RD	IH-35 NBFR	OLD BASTROP HWY	1.31
233	MCCARTY LN	IH-35 WFR	HUNTER RD	1.60
234	CENTERPOINT RD	IH-35 WFR	HUNTER RD	1.10
<b>TOTAL</b>				<b>5.89</b>

ROADWAY	Schematic & Environ Fee	Design PS&E Fee	Construction Cost	TOTAL COST
REDWOOD RD	-	\$ 155,249	\$ 516,000	\$ 671,249
POSEY RD	\$ 13,020	\$ 162,750	\$ 651,000	\$ 826,770
MCCARTY LN	\$ 8,400	\$ 105,000	\$ 420,000	\$ 533,400
CENTERPOINT RD	\$ 7,780	\$ 97,250	\$ 389,000	\$ 494,030
<b>\$ 29,200</b>		<b>\$ 520,249</b>	<b>\$ 1,976,000</b>	<b>\$ 2,525,449</b>

**PRECINCT 2 COUNTY ROAD PROJECTS**

Roadway	From	To	Miles
SATTERWHITE RD	FM 2001	WILLIAMSON RD	3.71
HEIDENREICH LN	FM 150	BUNTON LN	1.82
HILLSIDE TERRACE RD	IH 35 NBFR	FM 2001	2.10
KOHLERS CROSSING	FM 2770	DRY HOLE RD	2.10
DRY HOLE RD	IH 35 NBFR	IH 35 SBFR	1.93
<b>TOTAL</b>			<b>11.66</b>

ROADWAY	Schematic & Environ Fee	Design PS&E Fee	Construction Cost	TOTAL COST
SATTERWHITE RD	-	-	\$ 932,200	\$ 932,200
HEIDENREICH LN	\$ 10,500	\$ 143,350	\$ 525,000	\$ 678,850
HILLSIDE TERRACE RD	\$ 9,442	\$ 118,025	\$ 472,100	\$ 599,567
KOHLERS CROSSING	-	\$ 204,412	\$ 911,000	\$ 1,115,412
DRY HOLE RD	\$ 9,342	\$ 116,775	\$ 467,100	\$ 593,217
<b>\$ 29,284</b>		<b>\$ 582,562</b>	<b>\$ 3,307,400</b>	<b>\$ 3,919,246</b>

**Clerk's Note: Heidenreich Lane is actually located in Precinct 1 instead of Precinct 2 due to redistricting.**



**PRECINCT 3 COUNTY ROAD PROJECTS**

County Road #	Roadway	From	To	Miles
181	Fischer Store Rd	FM2325	Just past CR180	1.64
220	Mt. Gainor Rd	CR246	Precinct 4	3.15
*	Wimberley By-Pass	RM12	FM3237	1.90
<b>TOTAL</b>				<b>4.79</b>

ROADWAY	Schematic & Environ Fee	Design PS&E Fee	Construction Cost	TOTAL COST
FISCHER STORE RD	\$ 19,240	\$ 240,500	\$ 962,000	\$ 1,221,740
MT. GAINOR RD	\$ 19,854	\$ 248,175	\$ 992,700	\$ 1,260,729
WIMBERLEY BY-PASS	\$ 36,000	\$ 450,000	\$ 18,800,000	\$ 2,286,000
	<b>\$75,094</b>	<b>\$ 938,675</b>	<b>\$ 3,754,700</b>	<b>\$ 4,768,469</b>

**PRECINCT 4 COUNTY ROAD PROJECTS**

County Road #	Roadway	From	To	Miles
164	SAWYER RANCH RD	U.S 290	DARDEN HILL RD	3.18
163	NUTTY BROWN RD	U.S 290	FM 1826	3.58
220	MT. GAINOR RD	PRECINCT 3	DRIPPING SPRINGS	8.20
<b>TOTAL</b>				<b>14.96</b>

ROADWAY	Schematic & Environ Fee	Design PS&E Fee	Construction Cost	TOTAL COST
SAWYER RANCH RD	\$ 30,660	\$ 383,250	\$ 1,533,000	\$ 1,946,910
NUTTY BROWN RD	\$ 36,760	\$ 459,500	\$ 1,838,000	\$ 2,334,260
MT. GAINOR RD	\$ 51,686	\$646,075	\$ 2,584,300	\$ 3,282,061
	<b>\$ 119,106</b>	<b>\$ 1,488,825</b>	<b>\$ 5,955,300</b>	<b>\$ 7,563,231</b>

**COUNTY ROAD COST SUMMARY**

PRECINCT	MILES	SCHEMATIC & ENVIRON FEE	DESIGN PS&E FEE	CONSTRUCTION COST	TOTAL COST
PR 1 TOTAL	5.89	\$ 29,200	\$ 520,249	\$ 1,976,000	\$ 2,525,449
PR 2 TOTAL	11.66	\$ 29,284	\$ 582,562	\$ 3,307,400	\$ 3,919,246
PR 3 TOTAL	4.79	\$ 75,094	\$ 938,675	\$ 3,754,700	\$ 4,768,469
PR 4 TOTAL	14.96	\$ 119,106	\$ 1,488,825	\$ 5,955,300	\$ 7,563,231
ROW/Cont Costs					\$ 7,179,805
<b>GRAND TOTAL</b>	<b>37.3</b>	<b>\$ 252,684</b>	<b>\$ 3,530,311</b>	<b>\$ 14,993,400</b>	<b>\$ 25,956,200</b>

**STATE ROAD COST**

	ROADWAY	MILES	SCHEMATIC & ENVIR FEE	DESIGN PS&E FEE	CONSTRUCTI ON COST	TOTAL COST	TXDOT COST	HAYS CO COST
PR 1	FM 110	4.50	\$ 168,800	\$ 450,000	\$ 5,625,000	\$ 6,243,800	\$ 1,500,000	\$ 4,743,800
	SH 21	1.90	\$ 48,400	\$ 181,600	\$ 2,270,000	\$ 2,500,000	\$ 1,250,000	\$ 1,250,000
		<b>6.40</b>	<b>\$ 217,200</b>	<b>\$ 631,600</b>	<b>\$ 7,895,000</b>	<b>\$ 8,743,800</b>	<b>\$ 2,750,000</b>	<b>\$ 5,993,800</b>
PR 2	FM 1626	2.80	\$ 52,400	\$ 208,600	\$ 2,620,000	\$ 2,882,000	\$ 1,482,000	\$ 1,400,000
	FM 967	2.75	\$ 51,400	\$ 205,600	\$ 2,570,000	\$ 2,827,000	\$ 1,427,000	\$ 1,400,000
		<b>5.55</b>	<b>\$ 103,800</b>	<b>\$ 415,200</b>	<b>\$ 5,190,000</b>	<b>\$ 5,709,000</b>	<b>\$ 2,909,000</b>	<b>\$ 2,800,000</b>
PR 3	RM 12	8.80	\$ 132,000	\$ 528,000	\$ 6,600,000	\$ 7,260,000	\$ 4,600,000	\$ 2,660,000
	RM 12*	5.00	\$ 60,000	\$ 240,000	\$ -	\$ 300,000	\$ -	\$ 300,000
		<b>13.80</b>	<b>\$ 192,000</b>	<b>\$ 768,000</b>	<b>\$ 6,600,000</b>	<b>\$ 7,560,000</b>	<b>\$ 4,600,000</b>	<b>\$ 2,960,000</b>
PR 4	RM 12*	8.00	\$ 96,000	\$ 384,000	\$ 2,700,000	\$ 3,180,000	\$ 1,740,000	\$ 1,440,000
	US 290	7.10	\$ 70,000	\$ 280,000	\$ 3,500,000	\$ 3,850,000	\$ 2,000,000	\$ 1,850,000
	FM 1826	6.70	\$ 100,000	\$ 400,000	\$ 5,025,000	\$ 5,525,000	\$ 4,525,000	\$ 1,000,000
		<b>21.80</b>	<b>\$ 266,000</b>	<b>\$ 1,064,000</b>	<b>\$ 11,225,000</b>	<b>\$ 12,555,000</b>	<b>\$ 8,265,000</b>	<b>\$ 4,290,000</b>
	Reserve for Right of Way and Contingencies							\$ 5,000,000
			<b>\$ 779,000</b>	<b>\$ 2,878,800</b>	<b>\$ 30,910,000</b>	<b>\$ 34,567,800</b>	<b>\$ 18,524,000</b>	<b>\$ 21,043,800</b>

**HAYS COUNTY PROGRAM COSTS SUMMARY**

	County Road Miles	County Road Cost	State Road Miles	State Road Cost	Total Miles	Total Cost
Precinct 1	5.9	\$ 2,525,499	6.4	\$ 5,993,800	12.3	\$ 8,519,249
Precinct 2	11.7	\$ 3,919,246	5.6	\$ 2,800,000	17.2	\$ 6,719,246
Precinct 3	4.8	\$ 4,768,469	13.8	\$ 2,960,000	18.6	\$ 7,278,469
Precinct 4	15.0	\$ 7,563,231	21.8	\$ 4,290,000	36.8	\$ 11,853,231
ROW/Cont Costs	-	\$ 7,179,805	-	\$ 5,000,000	-	\$ 12,179,805
<b>TOTAL</b>	<b>37.3</b>	<b>\$ 25,956,200</b>	<b>47.6</b>	<b>\$ 21,043,800</b>	<b>84.9</b>	<b>\$ 47,000,000</b>



Discussion was had regarding State Project in Pct. 1 on State Highway 21 – there are 3 sections being considered by the State – 1<sup>st</sup> section goes up to CR150 – 2<sup>nd</sup> section goes up to FM2001. In order to move projects forward it is recommended that the county participate in design portion of the project. Commissioner Carter felt like the citizens would like the money to be divided equally between all the precincts and let the Commissioner of each precinct have input regarding the projects. Commissioner Molenaar spoke of roads that were publicized and made apart of the bond election – the voters approved bond money for those roads. Commissioner Burnett spoke of all roads being different and each have to be addressed separately. He feels like it would be wise to look at additional sections of SH21 to move those projects forward. Bob Sutton spoke of county participation being 50% of project costs – that level of participation will allow TxDOT to move those projects forward. They will be requesting authorization to move forward with CR232/Redwood Road, CR152/Heidenreich Lane, and CR171/Kohl's Crossing. A draft letter was submitted to the members of the court – that letter is addressed to TxDOT (Texas Dept. of Transportation) with proposal to provide funds to participate in much of the design, right of way and construction costs to build or expand several state highways (US290, RM12, FM110, FM1626, FM967, FM1826, & SH21). No action taken this date.

**20443            AUTHORIZE THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATION NO. 3 WITH TURNER, COLLIE & BRADEN, INC./URS CORP. RELATING TO THE REDWOOD ROAD BOND PROJECT [T1-1858]**

Commissioner Ingalsbe asked about the right turn lane for this project. Bob Sutton (TC&B) advised that this turn lane is included in the proposal. He explained the process being followed – additional considerations can be made. Road Supt/Engineer Jerry Borchering advised that the Commissioner will be involved in the review process of each roadway. A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to authorize the County Judge to execute Work Authorization No. 3 with Turner, Collie & Braden, Inc. / URS Corp. relating to the Redwood Road Bond Project. All voting "Aye".

**20444            AUTHORIZE THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATION NO. 4 WITH TURNER, COLLIE & BRADEN, INC./OTHON RELATING TO THE HEIDENREICH LANE ROAD BOND PROJECT [T1-1940]**

Additional right-of-way will be required on some portions of this roadway – road will be upgraded. A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to authorize the County Judge to execute Work Authorization No. 4 with Turner, Collie & Braden Inc./Othon relating to the Heidenreich Lane Road Bond Project. All voting "Aye".

**20445            AUTHORIZE THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATION NO. 5 WITH TURNER, COLLIE & BRADEN, INC./LOCKWOOD, ANDREWS & NEWNAM, INC. RELATING TO THE KOHLER'S CROSSING ROAD BOND PROJECT [T1-1991]**

A motion was made by Commissioner Carter, seconded by Judge Powers to authorize the County Judge to execute Work Authorization No. 5 with Turner, Collie & Braden Inc./Lockwood, Andrews & Newman Inc. relating to the Kohler's Crossing Road Bond Project. All voting "Aye".

**20446            AUTHORIZE THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATION NO. 6 WITH TURNER, COLLIE & BRADEN, INC RELATING TO ENVIRONMENTAL PERMITTING FOR THE HAYS COUNTY ROAD BOND PROJECT [T1-2050]**

Bob Sutton spoke of having one firm(Turner, Collie & Braden Inc.) do the environmental permitting for various projects. A motion was made by Commissioner Burnett, seconded by Judge Powers to authorize the County Judge to execute Work Authorization No. 6 with Turner, Collie, & Braden, Inc. relating to Environmental permitting for the Hays County Road Bond Project. All voting "Aye".

**PUBLIC COMMENT** - Morris Haggerton spoke on behalf of himself, the City of Woodcreek and the Wimberley Lions Club in support of Mayor Magees comments – they are in favor of the Wimberley By-Pass project.



**20447 APPROVE AN EMERGENCY BUDGET AMENDMENT FOR ROAD REPAIRS DUE TO DAMAGE CAUSED BY THE NOVEMBER 2001 AND JULY 2002 FLOODS IN AN AMOUNT OF \$244,460 [T1-2217]**

County Auditor Bill Herzog spoke of request from Road Dept. – we are requesting FEMA funds for reimbursement of expenses. A motion was made by Commissioner Burnett, seconded by Judge Powers to approve an Emergency Budget Amendment for road repairs due to damage caused by July 2002 flood in an amount of \$244,460. All voting “Aye”.

				AMENDMENT NO. 2002-33B FY 2002 BUDGET 07-30-02
FUND NO. 03 FUND TITLE ROAD & BRIDGE GENERAL FUND				
	APPROPRIATION BEFORE AMENDMENT	AMENDMENT INCREASES DECREASES	APPROPRIATION AS AMENDED	
<u>LINE ITEM - EXPENDITURES</u>				
<b>ROAD &amp; BRIDGE OPERATIONS (438):</b>				
03-438-5351 Road Materials	2,193,900	244,460	2,438,360	
<i>Increase budget due to flooding damage – emergency basis</i>				

**Clerk’s Note: Agenda Item #13** DISCUSSION AND POSSIBLE ACTION REGARDING THE REGRADING AND TITLE CHANGE OF THE ENGINEER IN TRAINING POSITION **WAS PULLED – NO DISCUSSION AND NO ACTION**

**20448 APPROVE “EXTENSION AGREEMENT OF OPTION” PROVIDING A SIX MONTH EXTENSION TO THE CITY OF DRIPPING SPRINGS ON THE OPTION OF THE TRIANGLE [T1-2264]**

Commissioner Molenaar spoke of need for additional time to complete the study. A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize a six month extension to the City of Dripping Springs on the option of “The Triangle”. All voting “Aye”.

<b><u>EXTENSION AGREEMENT OF OPTION</u></b>	
This Extension Agreement of Option (the “Agreement”) is entered into by and between the City of Dripping Springs, Texas (the “City”) and Hays County, Texas (“County”).	
<b><u>RECITALS</u></b>	
A.	On or about May 14, 2002 the City and County executed that certain Option (the “Option”), a copy of which is attached as Exhibit “A”, whereby the City was granted an exclusive right and option to purchase the real property more fully described in the Option (the “Property”).
B.	The City was granted the Option for a period of six months from the date thereof , during which time the City desired to perform a feasibility study for the use of the Property.
C.	The City desires that the term of the Option be extended until April 30, 2003 so that the City may complete its feasibility studies.
<b><u>AGREEMENT</u></b>	
NOW THEREFORE, in consideration of the mutual covenants and conditions herein described, the City and County hereby agree as follows:	
1.	The term of the Option is extended until May 31, 2003
2.	Except as modified herein, the provisions of the Option shall continue in full force and effect.
3.	In the event of an inconsistency between this Agreement and the terms of the Option, this Agreement shall govern.
4.	This Agreement may be executed in multiple counterparts, each of which shall constitute an original instrument, but all of which shall constitute one and the same agreement.





**20449 APPROVE ADDITIONAL NEXTEL PHONE SERVICE FOR CONSTABLE PCT 4 OFFICE [T1-2294]**

Constable Pct. 4 Debbie Brown is requesting additional Nextel phone service for 2 phones (Deputy Constable = \$59.00 Clerk = \$39.00). A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve additional Nextel phone service for Constable Pct. 4 Office. All voting "Aye".

**Clerk's Note: Agenda Item #16 DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED NAME CHANGE FROM "SILVER CREEK ROAD" IN TRIPLE CREEK RANCH TO "LISSY LANE" WAS PULLED – NO DISCUSSION AND NO ACTION**

**20450 ADOPT A RESOLUTION SUPPORTING LEGISLATION TO REQUIRE THE CONSENT OF LOCAL TAXING ENTITIES FOR TRANSACTIONS BY NONPROFIT CORPORATIONS THAT RESULT IN TAX EXEMPT STATUS FOR RENTAL HOUSING PROPERTY [T1-2322]**

Sam Davis advised that he supports this resolution – there is no control over the way they report their expenses. Jim Green advised that he supports this resolution – the City of SM passed a similar resolution – the court became aware of this two years ago. He spoke of request regarding Jefferson Commons (subsidized housing for SWTSU students) – he spoke of this project costing the county, city & school district \$200,000+ in revenue. He spoke of Bobcat Village being tax exempt (\$300,000 loss for the local taxing entities). This resolution asked lobbying the legislature that would give the 3 taxing entities (co, city, school dist) to give their OK before a project such as this can begin – all 3 entities must approve – can negotiate a payment in lieu of taxes. He spoke of donations that will be made to the SWT Foundation in order for non-profits to advertise on campus for rental. He urged the court to pass the resolution. Commissioner Burnett spoke of problem with creating nonprofit corporations to build apartments complexes that are tax exempt – the Legislature needs to change the tax code. Luanne Caraway spoke of causing the taxpayers to foot the bill and private enterprise that will not be able to compete. A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt a Resolution supporting legislation to require the consent of local taxing entities for transactions by nonprofit corporations that result in tax exempt status for rental housing property. All voting "Aye".

**A RESOLUTION OF THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS URGING THE TEXAS ASSOCIATION OF COUNTIES AND THE CONFERENCE OF URBAN COUNTIES TO SUPPORT LEGISLATION TO REQUIRE THE CONSENT OF LOCAL TAXING ENTITIES FOR TRANSACTIONS BY NONPROFIT CORPORATIONS THAT RESULT IN TAX EXEMPT STATUS FOR RENTAL HOUSING PROPERTY; AND DECLARING AN EFFECTIVE DATE.**

**RECITALS:**

1. In December, 2000, a privately owned apartment complex in the County with a value of approximately \$9,500,000 was purchased by a nonprofit corporation formed under Chapter 53 of the Texas Education Code through financing provided by another nonprofit corporation formed under Chapter 53 of the Texas Education Code.
2. The nonprofit corporations concluded the financing and purchase without notifying the County and without obtaining the consent of any of the local taxing entities.
3. Although the purchase provided benefits to the two nonprofit corporations, it resulted in tax exempt status for the apartment complex and the following losses in annual revenues to local taxing entities, at current tax rates:

City of San Marcos	\$ 44,640.39
Hays County	\$ 35,086.78
San Marcos Consolidated Independent School District	\$135,494.48
4. The apartment complex and its residents generate the need for local government services such as police and fire protection, street and utility maintenance, and public school and court facilities construction, maintenance and operation without contributing to the property tax revenues needed to provide these services.
5. The benefits to the two nonprofit corporations come at the expense and subsidy of the taxpayers of the City of San Marcos, Hays County and the San Marcos Consolidated Independent School District, and create an unlevel playing field with respect to privately owned, taxable rental housing in the San Marcos community.
6. The Commissioners Court strongly objects to purchase and financing transactions by nonprofit corporations that result in tax exempt status for rental housing properties without the consent of the Commissioners Court.
7. The Commissioners Court wishes to seek the support of the Texas Association of Counties and the Conference of Urban Counties for legislation that would require the consent of local taxing entities for transactions by nonprofit corporations that result in tax exempt status for rental housing property.

**BE IT RESOLVED BY THE COMMISSIONERS COURT OF THE COUNTY OF HAYS, TEXAS:**

**PART 1.** The Commissioners Court urges the Texas Association of Counties and the Conference of Urban Counties to support the enactment of measures by the Texas Legislature to require the consent of local taxing entities for purchase and financing transactions by nonprofit corporations that result in tax exempt status for rental housing property. Such measures should include, without limitation, the following:

- A. A requirement that a nonprofit corporation that proposes to issue bonds in a transaction that will result in tax exempt status for a property developed or to be developed for rental housing must obtain the approval of the issuance from the governing bodies of all affected taxing entities.
- B. A requirement that a nonprofit corporation that proposes to purchase property in a transaction that will result in tax exempt status for a property developed or to be developed for rental housing must obtain the approval of the purchase from the governing bodies of all affected taxing entities.
- C. An express authorization for affected taxing entities to require an agreement for payments in lieu of taxes by the property owner as a condition of the taxing entities' consent to any such transaction.

**PART 2.** The special counsel to Commissioners Court, is authorized and directed to deliver a copy of this resolution and the attached resolution cover sheet to the Texas Municipal League.

**PART 3.** This resolution is in full force and effect immediately upon its passage.



JULY 30, 2002

\*\*\*\*\*

VOL S PG 473

**20451 APPROVE ADDITION OF A “NO CONFLICT OF INTEREST” DISCLAIMER TO THE HAYS COUNTY PARKS MASTER PLAN [T1-2869]**

Margaret Hinton spoke of owning property in Jacobs Well – they have protected and preserved this area for many years and her family is against opening up any property there to become a public park. She spoke of strain on the spring created by growth in the area. Commissioner Burnett advised that he has received email from other citizens regarding this issue and it will be taken into consideration. Commissioner Carter spoke in support of this action. Jim Green spoke in support of this disclaimer. Jackie Craig, Susan Simmers and Pat Moore gave their support for the disclaimer. A motion was made by Commissioner Carter, seconded by Judge Powers to approve addition of a “No Conflict of Interest” disclaimer to the Hays County Parks Master Plan. All voting “Aye”.

**Anyone serving on the Hays County Parks & Open Space Advisory Board may not benefit monetarily or by employment from any funding for Hays County Parks and Open Spaces:**

1. Above individuals, or corporations to which they belong, may not sell land to Hays County for the above purposes.
2. Above individuals or their surrogates may not represent sellers of land to Hays County for the above purposes.

**Funds for Hays County Parks and Open Spaces shall solely benefit Hays County and Hays County citizens and be under the control of the Hays County Commissioners’ Court.**

**20452 AUTHORIZE PUBLIC NOTIFICATION OF THE COURT’S INTENT TO CONSIDER A PROPOSED SUBDIVISION RULE AMENDMENT PROVIDING FOR CERTAIN RESTRICTIONS ON THE CONNECTION OF ELECTRICAL, GAS AND WASTEWATER UTILITIES IN THE UNINCORPORATED AREAS OF HAYS COUNTY PURSUANT TO SECTION 232.106, TEXAS LOCAL GOVERNMENT CODE [T1-3108]**

Judge Powers spoke of this relating to SB873. A motion was made by Judge Powers, seconded by Commissioner Carter to authorize public notification of the Court’s intent to consider a proposed subdivision rule amendment providing for certain restrictions on the connection of electrical, gas and wastewater utilities in the unincorporated areas of Hays County pursuant to Section 232.106 Texas Local Government Code. All voting “Aye”.

**20453 AUTHORIZE A CONTRACT FOR LEGAL ASSISTANCE FROM ATTORNEY JOHN DAHILL ON WASTEWATER OPERATIONS AND UTILITY CONNECTIONS SUBDIVISION ORDERS AND RULE CHANGES [T1-3235]**

A copy of the Order Imposing Certain Restrictions on the Connections of Utilities in the Unincorporated Areas of Fort Bend County was submitted for reference. Commissioner Burnett felt like we don’t need legal assistance to adopt what some other county did. He did think it would be helpful to have Mr. Dahill on retainer to help us work through the more complex parts of SB873. He suggested that the court table this and ask John Dahill for a scope of work – there is no backup to this item (no contract). Special Counsel Jacqueline Cullom Murphy advised that she will be attending a meeting in which this issue will be discussed – John Dahill will be a part of that meeting. She could draft an engagement letter and the scope of work would be to analyze the proposed order. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to contract with John Dahill for legal assistance on wastewater operations and utility connections subdivision orders and rule changes not to exceed \$1,500 and instruct Special Counsel to draft an “engagement letter”. All voting “Aye”.

**Court was adjourned.**

**MINUTES APPROVED IN OPEN COURT ON THE 6<sup>th</sup> DAY OF AUGUST, 2002**

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

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

