



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 6th DAY OF AUGUST 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 Carter led the Court in the Pledge of Allegiance to the Flags.

**20454 ADOPT A PROCLAMATION DECLARING AUGUST 6, 2002 AS "NATIONAL NIGHT OUT" [T1-20]**

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring August 6, 2002 as "National Night Out". All voting "Aye".

**PROCLAMATION**  
**RECOGNIZING NATIONAL NIGHT OUT 2002**

*WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique nationwide crime drug and violence prevention program on August 6, 2002 called "National Night Out"; and*

*WHEREAS, the "19<sup>th</sup> Annual National Night Out" provides a unique opportunity for Hays County to join forces with thousands of their communities across the country in promoting cooperative, police-community crime and drug prevention efforts; and*

*WHEREAS, Hays County plays a vital role in assisting the Hays County Sheriff's Department through joint crime, drug and violence prevention efforts in Hays County; and*

*WHEREAS, it is essential that all citizens of Hays County be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs and violence in Hays County; and*

*WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the "National Night Out" program. Now therefore be it*

**PROCLAIMED** that the HAYS COUNTY COMMISSIONERS' COURT does hereby proclaim Tuesday, August 6, 2002, as **"NATIONAL NIGHT OUT"** in Hays County.

**WITNESS OUR HANDS SET HERE UNTO** as evidenced by our signatures affixed hereto this the 6<sup>th</sup> day of August, 2002.

**20455 ACTION REGARDING THE HAYS COUNTY MOSQUITO ERADICATION PROGRAM**

[T1-32] This agenda item is in response to concerns expressed by Hays County residents opposed to the use of pesticides to treat the mosquito problem caused by recent flooding. Susan Pitman (Wimberley resident) spoke of county taking an aggressive approach to identifying county road caused drainage problems and help the public do what is necessary to control standing water – she asked the court to resist the temptation of spraying pesticides - she spoke of need to wear protective clothing when outdoors. [T1-91] Dr. Betsy Harrison (Wimberley Veterinarian) spoke of health dangers to small animals such as frogs, insects, etc. (chemical sensitivity) – she spoke in opposition to spraying. [T1-125] Elizabeth Sumter (Wimberley Neighbors for Healthy Water) spoke of water issues, namely healthy water, and how spraying could affect it. [T1-162] Scott Reynolds (Wimberley resident) presented a petition with over 200 names to be added to the list of no spray. He also read a letter from Dr. William Rae from the Environmental Health Center in Dallas speaking of health dangers to humans and the sensitivity it can cause due to exposure. [T1-228] M.F. Johnson (Wimberley resident) spoke of spraying and how it affects the elderly and she encouraged people to address this problem individually using protective clothing and removal of standing water. [T1-252] Dr. Harriet Thompson (Wimberley resident) spoke of effects of spraying on herself over the years and the effects she has seen in working extensively with children in state hospitals, public schools and the juvenile justice system as a Psychologist. Tim Miller (Kyle resident) owns a certified organic farm in Hays County - he spoke of consequences of spraying that may occur that will affect frogs, birds, snakes, turtles, etc. that eat mosquitoes. He spoke of spraying which will affect him financially and violate a State law – the State views an organic farm as an environmentally sensitive area



[T1-348] Karen Balthrop (The Chemically Injured Association of Central Texas) spoke of her group which offers support and information to those dealing with a chemical injury (some from pesticides) or an illness called "chemical sensitivity" – they educate the public and the community regarding the health risk of chemicals and toxins in our society. Many of their members have had their health damaged by pesticides. [T1-410] Bonnie Tull (Precinct 4 resident) spoke of her mother suffering from a lung disease and she spoke of people with pulmonary diseases and the affects that spraying will have on them. She spoke of need for better public education to eliminate mosquitoes – concerned about effects on birds, etc. and recommended using mosquito-eating minnows in water features. [T1- Dr. Philip Zbylot (medical doctor with specialty in public health/preventative medicine) spoke of being the past health authority for Austin/Travis County and he was responsible for all public health programs and they conducted mosquito spraying during that time, therefore, he has seen both sides of this issue. Dr. Zbylot spoke of having dozens of chemically sensitive patients in the Dripping Springs, San Marcos, and Wimberley area – he spoke of chemicals used and he spoke of elimination of standing water. He advised that most of the deaths from West Nile Virus will be in the elderly and those with compromised immune systems. [T1-605] Roy Burton (Texas Dept. of Health Vector Control Entomologist) spoke of mosquito control and gave handouts that the state has issued for public safety. There are 84 species of mosquito in Texas – each is unique – West Nile Virus has been identified in only 1 species of mosquito. This mosquito (house mosquito) breeds in artificial containers and polluted water around people's houses – it does not breed in roadside ditches, stock ponds, or irrigated land – it flies from dusk till dawn. This particular mosquito prefers a blood meal from birds. He spoke of using both chemicals and natural means of mosquito eradication. The State tests larvae and adult mosquitoes to see which type they are – not all mosquitoes transmit disease. TDH tests and sends handouts all over the state to make counties aware of what they need to do for prevention needs. He spoke of birds that will be tested only if they are still viable. [T1-832] Keller A. Thormahlen (Texas Dept. of Health Senior Toxicologist - Environmental Epidemiology & Toxicology Division) spoke of his experience with pesticides and he spoke of Aqua-Reslin Insecticide and its ingredients. Mr. Thormahlen spoke of birds that might be affected in a minor way as well as human contact being in a minimal way (skin and inhalation irritations). [T1-989] Eugene Balinsky (Wimberley resident) handed out a report about sensitivity that disputed what Mr. Thomahlen spoke of. Keller Thormahlen advised that BT is a natural product but the body can identify it as a foreign subject – natural products are being used to reduce the amount of residues so that it will have less human impact. [T1-1061] Commissioner Carter spoke of letter from Dr. David Bowles, Major from Lackland Air Force Base in San Antonio – stresses the need for surveillance before spraying is done – best controlled by emptying containers of water to eliminate larvae habitat – an educational program is needed. She recommended putting mosquito spraying on hold until our health dept has had adequate surveillance of the need to do that. Commissioner Burnett recommended adopting a "No Spray Policy" now and spray only upon request that has been approved by that Precinct Commissioners and the Health Dept., continue and increase our surveillance, increase and expand our educational program, identify breeding sights, continue the larvicide's and continue his position that the Wimberley Valley be considered a No Spray Zone because of the elderly and chemically sensitive people in Wimberley. Commissioner Carter agreed with Commissioner Burnett's statement as long as we keep in mind that surveillance and monitoring and going through a number of steps before qualifying for spraying is essential. Commissioner Ingalsbe asked how we will implement this program? Commissioner Molenaar spoke of working with people in his precinct to come up with organic types of mosquito eradication and reasonable alternatives – he is setting up a small committee of people with knowledge in different areas to come up with viable solutions to the mosquito problems. Commissioner Carter spoke of encouraging our Code Enforcement Officer to do a thorough job in helping clean up our county of old tires, etc. County Environmental Health Director Allen Walther spoke of distributing larvicide's tables already and will prepare informational sheets that can be made available in each precinct office to help people with questions and will continue our education process – his office staff has been in training for a couple of weeks trying to get up to speed on these issues – will increase surveillance in terms of trying to identify breeding places (ie tires. Etc.) and they will be as proactive as they can. A motion was made by Commissioner Carter, seconded by Commissioner Burnett to adopt a "No Spray Policy" now and spray only upon request that has been approved by that Precinct Commissioner and the County Health Dept., continue and increase our surveillance, increase and expand our educational program, identify breeding sites, continue the larvicide's and continue Commissioner Burnett's position that the Wimberley Valley be considered a "No Spray Zone" because of the elderly and chemically sensitive people in Wimberley. All voting "Aye".

**PRESENTATION BY COMAL COUNTY ENGINEER REGARDING COMAL COUNTY SUBDIVISION RULES & REGULATIONS INCLUDING BUT NOT LIMITED TO RULES REGARDING DRAINAGE, LOT SIZE, FLOOD CONTROL AND WATER AVAILABILITY [T1-1231]**

Comal County Engineer Tom Hornsath spoke of Comal County's approach being to regulate development activity in the best interest of the county and preserve our resources and way of life, but to keep regulations simple and put as much of the burden on the development community: (1) water availability is a big issue, (2) Storm Water Regulations, (3) ETJ Coordination with cities, (4) and plat processing and timing. Comal County issued a moratorium to stop all development for a period of time (about one year ago) and shortly after were sued – county prevailed in that suit. He spoke of big development going on in the last 18 months. Discussion was had regarding minimum lot sizes and water availability. There are no minimum lot sizes if you have a wastewater treatment system. Mr. Hornsath spoke of requirements for water availability (TNRCC rules). These rules only apply to new subdivisions not existing developments. He spoke of general authority of counties and floodplain issues. Rules were adopted in 2001- 3 types of agreements: (1) County gives all authority to the City, (2) City gives all authority to the County, or (3) City/County blend conditions. Cities incorporate minimum lot sizes into their subdivision ordinance. There are 8 cities in Comal County and so far 6 cities have signed up with these rules. These interlocal agreements are available for viewing on the internet. Mr. Hornsath advised that they deem every plat they get as rejected and within the 60 day period they reject the plat – it is up to the developer to appeal that decision and get an extension. He spoke of water availability being a county issue – an organized collection system and a permitted wastewater treatment facility is beyond county authority – it is a State issue.



**20456 APPROVE THE COMMISSIONERS' COURT MINUTES OF JULY 30, 2002**

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve the Commissioners' Court Minutes of July 30, 2002 as presented by the County Clerk. All voting "Aye".

**20457 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$188,802.00 as presented by the County Auditor. All voting "Aye".

Auditors Ofc	\$ 47.41	Extension Ofc	\$ 1,557.04	Grants Admin	\$ 750.00
Juvenile Prob	\$ 1,363.15	Transfer Station	\$ 28.00	Bldg Mtc. Dept.	\$ 9,460.44
Environ Health	\$ 744.40	Civic Center	\$ 1,571.98	Countywide Oper	\$ 4,062.84
Tax A/C Office	\$ 298.66	District Clerk	\$ 312.87	Sheriffs Office	\$ 3,041.62
Jail Operations	\$ 11,139.92	County Judge	\$ 316.22	Human Resources	\$ 173.15
District Attorney	\$ 53.29	J.P. 2	\$ 139.75	J.P. 3	\$ 139.75
J.P. 4	\$ 139.75	J.P. 5	\$ 370.42	Constable 1	\$ 286.40
Constable 4	\$ 204.52	Constable 5	\$ 95.38	District Crt Oper	\$ 450.94
Co & Jp Crt Oper	\$ 1,465.05	Precinct 1	\$ 73.80	Precinct 3	\$ 1,500.40
Veterans Admin	\$ 37.69	Computer Svcs	\$ 2,712.67	Animal Control	\$ 21.50
Cjd/Voca Grant	\$ 421.22	911 Adrs Mtc Grant	\$ 62.76	Juv Acct Grant	\$ 341.71
Juv Justice Alt Ed	\$ 407.39	Gen Fund Credit	<\$ 149.97>	R&B General Fund	\$ 88,655.41
Co Parks Fund	\$ 16.00	Rec Mng/Co Clerk	\$ 280.31	Law Library Fund	\$ 2,041.55
Juvenile Center	\$ 2,594.81	Sheriff Drug Forf	\$ 1,933.00	Family Health Svcs	\$ 154.62
Road Bond S.2001	\$ 49,404.18				

**20458 APPROVE BUDGET AMENDMENT 02-35**

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 02-35 as proposed by the County Auditor. All voting "Aye".

AMENDMENT NO. 2002-35 FY 2002 BUDGET 08-06-02				
FUND NO. 01 FUND TITLE GENERAL FUND				
LINE ITEM - EXPENDITURES	APPROPRIATION	AMENDMENT		APPROPRIATION
	BEFORE	INCREASES	DECREASES	AS
	AMENDMENT			AMENDED
<b>GRANTS ADMINISTRATION (404):</b>				
01-404-5212 Postage	500	200		700
01-404-5211 Office Supply	1,488	200		1,688
01-404-5489 Telephone	1,300	450		1,750
01-404-5101 FICA/RET	11,117		(350)	10,767
01-404-5462 Public Notices	300		(100)	200
<b>REVENUE:</b>				
01-363-3637 Grant Funding Guides	650		400	1,050
		<u>850</u>	<u>850</u>	
<i>Transfer for needed expense from savings and budget partial cost from guides revenue received</i>				
<b>BUILDING MAINTENANCE (410):</b>				
01-410-5242 Grounds Maintenance	1,200	700		1,900
01-410-5451 Contract Building Maintenance	27,000		(700)	26,300
<i>Transfer for needed expense</i>				
<b>CONSTABLE, PCT. 2 (432):</b>				
01-432-5271 Fuel	2,900	850		3,750
01-432-5489 Telephone	1,200	479		1,679
01-432-5160 Insurance	8,829		(200)	8,629
01-432-5321 Dues & Bonds	200		(150)	50
01-432-5331 Cont Ed	500		(279)	221
01-432-5101 FICA/RET	12,291		(500)	11,791
01-432-5192 Uniform Allowance	720		(100)	620
01-432-5211 Office Supplies	800		(100)	700
		<u>1,329</u>	<u>(1,329)</u>	
01-432-5413 Vehicle Maintenance	1,500	750		2,250
<b>CONSTABLE, PCT. 4 (434):</b>				
01-434-5717 Law Enforcement Equipment	5,728		(750)	4,978
		<u>2,079</u>	<u>(2,079)</u>	
<i>Transfer for needed expense within Constable 2; transfer cost of engine repair for Constable 2 from Constable 4 equipment savings</i>				
<b>TJPC/TITLE IV-E JUVENILE PROBATION GRANT (741):</b>				
01-741-5497 Residential & Other	31,100		(5,000)	26,100
01-741-5719 Miscellaneous Equipment	18,900	5,000		23,900
<i>Transfer for approved computers</i>				



AMENDMENT NO. <u>2002-35</u> FY 2002 BUDGET 08-06-02				
FUND NO. <u>01</u> FUND TITLE <u>GENERAL FUND</u>				
<u>LINE ITEM - EXPENDITURES</u>	<u>APPROPRIATION</u>	<u>AMENDMENT</u>		<u>APPROPRIATION</u>
	<u>BEFORE</u>	<u>INCREASES</u>	<u>DECREASES</u>	<u>AS</u>
	<u>AMENDMENT</u>			<u>AMENDED</u>
<b><u>DISTRICT COURT (436):</u></b>				
01-436-5705 Trial Expense	82,516	33,190		115,706
<b><u>REVENUE</u></b>				
01-384-2436 Indigent Legal Defense Task Force <i>Budget new grant received for indigent legal costs</i>	-0-		33,190	33,190
<b><u>LCRA/FIRE MARSHAL GRANT (744):</u></b>				
01-744-5219 Misc Supply	-0-	3,000		3,000
01-744-5719 Equipment <i>Transfer for response vehicle supply items from equipment savings</i>	28,000		(3,000)	25,000
<b><u>TRANSFER STATION (409):</u></b>				
01-409-5414 Equipment Maintenance	5,500	250		5,750
01-409-5311 Travel	100		(100)	-0-
01-409-5331 Cont Ed <i>Transfer for compactor repair</i>	150		(150)	-0-
<b><u>COMMISSIONER, PRECINCT 3 (441):</u></b>				
01-441-5331 Cont Ed	4,600	332		4,932
01-441-5311 Travel <i>Transfer for needed expense</i>	5,000		(332)	4,668
<b><u>COMPUTER SERVICES (456):</u></b>				
01-456-5718 Software	8,000	1,100		9,100
01-456-5221 Computer Supplies <i>Transfer for security software from supplies savings</i>	7,000		(1,100)	5,900

**20459 APPROVE UTILITY PERMIT #01601**

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Utility Permit #01601 on CR159/Yarrington Road issued to CenturyTel of San Marcos as submitted by the County Road Department. All voting "Aye".

**20460 AWARD BID #2002-B10 "CONSTRUCTION OF ROAD DEPARTMENT SHOP & JP-5 OFFICE ADDITION TO STOKES CONSTRUCTION"**

Bids were received from: J. J. Stokes Construction, D. L. Bandy, Struthoff, Hatzenbuehler, STR Constructors, EBCO, Wurzel Construction, Southern Interiors, K-W Construction, Brath, Larry Nelson, C.P. Snyder, Apex, FMG contractors, & Bujan-Hall. It is the recommendation of the County Purchasing Dept. and Architect Randall Fromberg (Fromberg Associates Inc.) that the contract be awarded to low bidder Stokes Construction – low base bid of \$817,718. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to award Bid #2002-B10 "Construction of Road Department Shop and Justice of the Peace Precinct 5 office addition to Stokes Construction Company. All voting "Aye".

**20461 APPROVE APPOINTMENT OF ELECTION JUDGES AND ALTERNATE JUDGES FOR COUNTY ELECTION PRECINCTS FOR PERIOD AUGUST 1, 2002 THROUGH JULY 31, 2004**

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve the appointment of Election Judges and Alternate Judges for County Election Precincts for the period of August 1, 2002 through July 31, 2004 as presented by the County Elections Administrator. All voting "Aye".

**Appointments of Judges & Alternate Judges  
for 8-1-2002 through 7-31-2004**

<u>PCT</u>	<u>JUDGES</u>	<u>ALTERNATES</u>
110	Jerry Harper (Rep)	Elias Salinas (Dem)
111	Nell Burleson (Dem)	Shirley Austin (Rep)
112	Hector Mendez (Dem)	Rosa Aldape (Rep)
113	Rose Brooks (Dem)	Baudelia Arredondo (Rep)
114	Rosemary Suniga (Dem)	Jimmie Everts (Rep)
116	Johnnie Armstead (Dem)	Eva Leal
121	Mary Helen Martinez (Dem)	Mary Ann Till (Dem)
127	Vicki Simpson (Dem)	Rosa Chamberlain (Rep)
223	Paul Terry (Rep)	Ethel Banks (Dem)
224	Mark Brinkley (Rep)	Charlene Jones (Dem)
225	Stuart Hoyt (Rep)	Lila Knight (Dem)
226	Pat Health (Dem)	Loren Wilber (Rep)
228	Terri Bomberger (Dem)	Joyce Wilkinson (Rep)
229	Brenda Schломach (Rep)	Henry Leal (Dem)



**Appointments of Judges & Alternate Judges  
for 8-1-2002 through 7-31-2004**

(continued)

<u>PCT</u>	<u>JUDGES</u>	<u>ALTERNATES</u>
230	Jo Burdette (Dem)	Marty St. Onge (Rep)
315	David Livingston (Rep)	Carol Kutscher (Dem)
330	Dottie Barnes (Rep)	Ofelia Vasquez-Philo (Dem)
331	Patty Polk (Dem)	Steven Prentice (Rep)
332	Ted Hindson (Rep)	Mary Compton (Dem)
334	Aart Millecam (Dem)	Doris Kyle (Rep)
335	Sam Adair (Rep)	Jeannine Pool (Dem)
336	Camille Phillips (Dem)	Will Conley (Rep)
337	Lee Williams (Rep)	Jeri Xiques (Dem)
441	Tracie Upham (Rep)	Karen Glass (Dem)
442	Stan Jones (Rep)	Martha Brown (Dem)
443	Paul Parks (Rep)	John Adams (Dem)
446	Amalia Garza	Lupe Hernandez (Dem)
447	Diana Guerrero (Rep)	Jimmy Hilton (Dem)
448	Mike Cox (Rep)	Paula Anderlitch (Dem)
449	Phyliss Campbell (Rep)	Sybil Floyd (Dem)

**20462 APPROVE ATTORNEY FEE CONTRACT BETWEEN HAYS COUNTY AND ATTORNEY JOHN DAHILL AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE SAME**

Attorney John Dahill shall provide legal services as requested by the county in reviewing proposed subdivision regulations – specifically, to review and offer his legal opinion concerning additional regulation of wastewater facilities within County to include review of the draft Order attached to the contract. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve attorney fee contract between Hays County and Attorney John Dahill and authorize the County Judge to execute the same. All voting “Aye”.

**Clerk’s Note: Agenda Item # 10 RE: PENA ADDITION PRELIMINARY PLAT** was PULLED – NO discussion and NO action.

**20463 THE RANCH @ PORTER CREEK SECTION 1 [PCT. 2-01-2-056] \* APPROVE FINAL PLAT**

[T1-2461]Environmental Health Director Allen Walther gave staff recommendation for final plat approval. Construction plan for road and drainage improvements have been reviewed and approved by the Hays County Road Department. Fiscal security for these improvements has been posted with the County Clerk’s office. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of “The Ranch @ Porter Creek Section 1”. All voting “Aye”.

**20464 THE RAILYARD PHASE 2 [PCT. 2-02-2-073] \* APPROVE PRELIMINARY PLAT [T1-2475]**

Environmental Health Director Allen Walther gave staff approval for preliminary plat. Commissioner Carter displayed a plat of this subdivision (1,117 lots) – density is contingent on a wastewater treatment plant that is not in the platted area but is in the ETJ of Neiderwald – part of this development is in the ETJ of Uhland – this constitutes a community that is larger than the City of Neiderwald. Commissioner Carter stated that at full build out this subdivision will be a city with no government and no real controls unless the court works with the developer to make sure all the things that should be in place are there. She spoke of subdivision rules regarding municipality to give it’s approval for a plat in their ETJ. Commissioner Carter spoke of the treatment plant being in the ETJ of Neiderwald and is the basis for the density and even though it is not in the platted portion being considered today, there is a notion that is will be platted eventually under the stricter rules of the municipality. She spoke of approximately 100 acres of regional park that will require a lot of mowing – she does not feel that the county will be able to take care of mowing this area. She spoke of need for a binding homeowners association to take care of maintaining these areas. Commissioner Molenaar felt like the court does not assume parkland that someone else creates – unless we accept it for dedication. Commissioner Carter felt like the court has authority through Senate Bill 873. She suggested rejection of this subdivision so that we can work on a number of points that need to be clarified – that this subdivision, as a part of its structure, a wastewater treatment plant that is not properly approved by the City of Neiderwald (ETJ). She advised that there will be a regional wastewater treatment plant very near by run by GBRA, and the developer has stated that the only credible operator for a wastewater treatment plant in this area is GBRA – we need to work out how the parklands are going to be managed. Commissioner Burnett spoke of our subdivision rules, adopted in 1997, being specific and if a developer meets the criteria for preliminary plat it should be approved within 60 days – this subdivision has met our rules. [T1-2768] Commissioner Carter felt like the phasing agreement is not written to protect the county. She felt like GBRA is the only qualified wastewater operator in the area that is available – we should be sure that GBRA is going to work with this. [T1-2900] Commissioner Carter stated that she had talked to John Smith of GBRA and he told her that the developer has walked away from their negotiations because the requirements of GBRA were too high. Commissioner Molenaar asked staff about GBRA involvement in wastewater. Environmental Health Director Allen Walther advised that permitting is through TNRCC – GBRA is an operator, as are many operators, Aqua-Source is an operator, there are many private operators. Subdivision Coordinator Jon Thompson stated that he has spoken with Tom Hornseth from Comal County and they have only had one package plant brought to Commissioners’ Court and on that one issue, it fell through – they only required the wastewater discharge permit and design approval from TNRCC – no contract. [T1-2976] Commissioner Carter advised that Comal County Commissioner Jack Dawson told her that as a court they did not put it in their rules but they believe, and have acted as a court, to keep these developments from happening by saying “you must have a long term bona-fide operator contract” or else they don’t approve you – this is not in the rules Tom enforces but it is what Commissioners’ Court acts upon – it is done under the Health & Safety Mandate that the State gives the county.



[T1-3000] Mel Mathis (Managing this development for the owners) advised that GBRA was brought into this project in 1999 - the best way was a wastewater central system to serve Green Pastures and Railyard area and GBRA had no interest in that at the time. They spoke with John Smith of GBRA about an operating contract and all the issues they require - he did not walk away from GBRA - he refused to sign the contract because they were still in the process of getting their TNRCC permit and he did not want to use GBRA as the operator on that permit because it had not been cleared by the developers. He wants the court to know he is willing to work with the county and to meet their requirements. He spoke of not yet having a lot of communication with the City of Neiderwald, therefore, the Neiderwald section was left off the subdivision at this time. He advised that the parkland will not be public – the homeowners association will maintain the parkland. They will upgrade the area that the property is located. [T1-3148] A motion was made by Commissioner Carter to reject this plat as presented - motion died for lack of second. Commissioner Burnett made a motion to accept the preliminary plat "The Railyard Phase 2". - motion died for lack of second. Commissioner Burnett spoke of being required by law to approve their plat if they have met our rules. Rick Breed (Attorney for the Railyard subdivision) spoke of 60 day time line started June 5, 2002 and that time is up – under the law you are required to either approve or disapprove with a list of lawful reasons why you are disapproving. The City of Neiderwald exercises no jurisdiction over this project at this time because none of the property located in the Neiderwald ETJ is in this phase. This subdivision application was filed on August 31, 2001 – under House Bill 1704 Chapter 242/245 LGC this body is required to act on that application in accordance with rules and regulations in place at that time – under Senate Bill 873 you have not adopted any rules. [T1-3334] A motion was made by Judge Powers to approve preliminary plat of "The Railyard Phase 2", seconded by Commissioner Burnett. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

**20465 RAINBOW RANCH REPLAT OF LOT 101 [PCT. 4-02-4-054] \* APPROVE PRELIMINARY PLAT [T1-3446]**

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plat of "Rainbow Ranch Replat of Lot 101". All voting "Aye".

**20466 CALL FOR A PUBLIC HEARING ON AUGUST 20, 2002 TO ESTABLISH TRAFFIC REGULATIONS AT OLD STAGECOACH ROAD AT DUDLEY JOHNSON PARK (FIVE MILE DAM) [T1-3461]**

The traffic regulations to be considered will be "no parking" signs. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to call for a public hearing on August 20, 2002 to establish traffic regulations at Old Stagecoach Road at Dudley Johnson Park (Five Mile Dam). All voting "Aye".

**20467 CALL FOR PUBLIC HEARING ON AUGUST 20, 2002 TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGN) AT THE INTERSECTION OF LONIE LANE AND HIGH ROAD [T1-3481]**

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on August 20, 2002 to establish traffic regulations (STOP sign) at the intersection of Lonie Lane and High Road. All voting "Aye".

**20468 DIRECT THE HUMAN RESOURCES DEPARTMENT TO INITIATE ANNUAL EMPLOYEE EVALUATIONS [T1-3508]**

Environmental Health Director Allen Walther advised that Human Resources feels like employee evaluations are very necessary – an outstanding tool for managers and they benefit employees – it is a requirement of some of our grants. Recommends directing the Human Resources Department to initiate annual employee evaluations. At this time there will not be merit increases from these evaluations. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to direct the Human Resources Department to initiate annual employee evaluations. All voting "Aye".

**20469 APPROVE THE CALENDAR FOR FY 2003 BUDGET PROCESS [T2-26]**

Judge Powers spoke of calendar for FY2003 budget process that he and County Auditor Bill Herzog compiled and he recommended approval of the schedule. Some of the workshops could be changed at a later date. A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve the Calendar for FY2003 Budget Process as presented by the County Auditor. All voting "Aye".



FY2003  
BUDGET CALENDAR

APRIL	15 <sup>TH</sup>	BUDGET WORKSHEETS SENT TO ALL DEPARTMENTS
MAY	15 <sup>TH</sup>	BUDGET WORKSHEETS DUE BACK FROM DEPARTMENTS
JUNE	11 <sup>TH</sup>	COPIES OF BUDGET REQUESTS TO COUNTY JUDGE AND COUNTY COMMISSIONERS
JULY 1 - JUL 30 <sup>TH</sup>		COUNTY JUDGE PREPARES BUDGET PROPOSAL AND MEETS WITH DEPARTMENT HEAD AS NEEDED
JULY	25 <sup>TH</sup>	CHIEF APPRAISER CERTIFIES APPROVED APPRAISAL ROLL
AUGUST	13 <sup>TH</sup>	COUNTY JUDGE PRESENTS HIS PROPOSED BUDGET TO COMMISSIONERS' COURT AND FILES A COPY WITH THE COUNTY CLERK
AUG 13 <sup>TH</sup> -AUG 27 <sup>TH</sup>		BUDGET WORKSHOPS (DATES & TIMES TO BE ANNOUNCED)
AUGUST	27 <sup>TH</sup>	VOTE ON PROPOSED TAX RATE INCREASE AND SCHEDULE PUBLIC HEARINGS ON THE TAX RATE AND BUDGET
AUGUST	29 <sup>TH</sup>	PUBLIC NOTICE OF PUBLIC HEARING ON TAX RATE INCREASE BUDGET NOTICES MAILED TO ELECTED OFFICIALS; PUBLISH ELECTED OFFICIALS' SALARIES, SUMMARY OF BUDGET; PUBLISH NOTICE OF HEARING ON BUDGET
SEPTEMBER 10 <sup>TH</sup>		PUBLIC HEARING ON TAX RATE NOTICE #1 PUBLISHED AT LEAST 7 DAYS BEFORE PUBLIC HEARING NOTICE #2 PUBLISHED AFTER HEARING BUT BEFORE MEETING TO VOTE ON TAX RATE - 10:00 A.M. PUBLIC HEARING ON THE BUDGET. ADOPT THE BUDGET, SET SALARIES OF ELECTED OFFICIALS AT 1:30 PM *1
SEPTEMBER 12 <sup>TH</sup>		PUBLISH 2 <sup>ND</sup> NOTICE ON TAX RATE INCREASE
SEPTEMBER 24 <sup>TH</sup>		SET TAX RATE AND LEVY TAXES *2 --- 10:00 AM
SEPTEMBER 30 <sup>TH</sup>		FILE FINAL APPROVED BUDGET WITH COUNTY CLERK

\*1- At least 11 days prior to this meeting, must publish Elected Officials' salaries  
At least 11 days prior to this meeting, but before 30 days, publish notice of Budget hearing and summary of Budget  
Must be after the 15<sup>th</sup> day of the month; next following month Budget prepared  
\*2- Must be at least 3 days, but not more than 14 days after Public Hearing on Tax Rate

**20470 APPROVE PURCHASE OF A PORT-A-COOL UNIT, A POWER BROOM AND A DIGITAL CAMERA FOR THE ROAD DEPARTMENT [T2-65]**

The Road Dept. requests permission to purchase the following equipment – monies are available from the equipment line item, therefore, no additional funds are needed. (1) Digital Camera (approx. \$450) – this camera is needed for documentation of storm damage incidents, property owner complaints, accident reports, and general collection of data for GASB 34. (2) Port-A-Cool Unit (approx. \$3,000) – this cooling fan is needed in the equipment shop in order to provide a cooler, and consequently safer, working environment for our mechanics. (3) Paving Broom (Approx. \$28,000) – this unit is needed to replace an existing broom which is in poor condition. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve purchase of a Port-A-Cool Unit, a Power Broom, and a Digital Camera for the Road Department. All voting "Aye".

**20471 APPROVE AN INTERLOCAL AGREEMENT WITH LCRA TO DESIGN A PARKING LOT, TRAILS AND PICNIC FACILITIES AT DUDLEY JOHNSON PARK AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT [T2-83]**

Commissioner Ingalsbe spoke of this item having been pulled from the agenda several weeks ago for review – cost will not exceed \$1,300 (funding will come out of a grant we currently have). Scope of work: This interlocal Cooperation Agreement defines service offered to the County by the LCRA Partnership in Parks program. The services are for development of a park master plan for the new 18 acre park property located on the Blanco River and Old Stagecoach Road directly adjacent to Dudley Johnson Park. The final product will be a park master plan. The Park Master Plan is a graphic display for all future park improvements. The Master Plan is intended to guide future development of the actual construction design and not intended for construction layout. LCRA will prepare a conceptual layout for the park amenities incorporating expressed and assumed needs. Amenities will include: trail, road, parking, restroom and picnic facilities on the 18 acre park tract. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve an interlocal agreement with LCRA to design a parking lot, trails, and picnic facilities at Dudley Johnson Park and authorize the County Judge to execute an agreement. All voting "Aye".



AUGUST 6, 2002

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**20472 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO CAPCO FOR UP TO \$24,000 TO ESTABLISH A CITIZENS COLLECTION STATION AND TO EXECUTE CONTRACT [T2-97]**

Grants Administrator Richard Salmon advised that this \$24,000 grant from CAPCO would establish a Citizens' Collection System at the site of the Dripping Springs Recycling Center located at FM150 and Darden Hill Road. CAPCO funds will be used to purchase a compactor and roll-off receiver, construction of a concrete pad and retaining wall and make necessary improvements (i.e. water, septic and electricity) to the building currently at the site. Hays County will provide \$38,720 as cash and in-kind match toward construction and staffing of the Hays County Citizens' Collection Station. The county will hire a person who will work one-half of the time for the road department and one-half of the time at the citizens collection station. The cash match of \$17,245 includes \$14,245 in salary and \$3,000 toward construction and improvements to the existing building. The remaining amount of in-kind match of \$21,475 is from the pro-rata value of the existing fence, land, and the value of the labor of the many volunteers which help to operate the existing facilities at the Darden Hill site. Commissioner Molenaar spoke of this recycling center being in the works for about a year and the need for a full time person. Richard Salmon spoke of dumpster already out there and people dumping all the time- this would solve the problem. He also spoke of recycling being free - there would be a charge for trash. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize the County Judge to submit a grant application to CAPCO for up to \$24,000 to establish a citizens collection station and to execute a contract. All voting "Aye".

**Clerk's Note: Agenda Item#21 RE: AUTHORIZE CONSTABLE PCT 2 UP TO \$4000 TO REPAIR/REPLACE THE ENGINE ON A PATROL VEHICLE was PULLED.**

**20473 APPROVE ADJUSTMENTS IN COUNTY ELECTION PRECINCT LINES TO COINCIDE WITH CONGRESSIONAL BOUNDARIES [T2-240]**

Elections Administrator Joyce Cowan asked the court to approve minor adjustments in county election precinct lines to coincide with Congressional Boundaries. These adjustments are necessary due to State Law (Section 42.005 Texas Election Code) that prohibits more than one congressional district being contained in one county election precinct. [see maps in file] A motion was made by Commissioner Carter, seconded by Judge Powers to approve adjustments in county election precinct lines to coincide with congressional boundaries. All voting "Aye".

**20474 APPROVE THE CREATION OF TWO COUNTY ELECTION PRECINCTS (PRECINCT 232 AND 234) TO BE INCLUDED IN JUSTICE OF THE PEACE PRECINCT 5 [T2-277]**

Elections Administrator Joyce Cowan advised that these adjustments are legally authorized by Section 42.031 Texas Election Code and are recommended in order to create more consistent congressional boundaries and enhance balanced populations in the newly formed election precincts. [see maps in file] A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve the creation of two County Election Precincts (Precinct 232 and 234) to be included in Justice of the Peace Precinct 5. All voting "Aye".

**20475 APPROVE THE ROAD NAME DESIGNATION OF A PRIVATE DRIVEWAY LOCATED OFF OF SILVER CREEK ROAD TO "LISSY LANE" [T2-294]**

Commissioner Molenaar spoke of need to name this road for 911 purposes. A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve the road name designation of "Lissy Lane" to a private driveway located off of Silver Creek Road. All voting "Aye".

**Clerk's Note: Agenda Item #25 RE: DISCUSSION AND UPDATE ON POSSIBLE WASTEWATER RULE CHANGES was PULLED. No discussion and No action.**

**Court was adjourned.**

**MINUTES APPROVED IN OPEN COURT ON THE 13<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**

