



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 13th 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 Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

**NEW EMPLOYEE INTRODUCTIONS**

Chief Juvenile Probation Officer Ed Cooper introduced new employee Adrian Ramirez (JPO). District Attorney's Office Manager Carolyn Brown introduced new employee Tammy Crumly. Road Department new employees - not present were: Sylvestre Bottello, Richard Munguia, and Janice Weber

**PRESENTATION OF HAYS COUNTY SERVICE AWARDS**

Tax Assessor-Collector Luanne Caraway presented a 25 year service pin to Nelda Mendoza. District Attorney Office employee Edna Chagolla has earned a 15 year pin – she was not present for presentation.

**PUBLIC COMMENT**

[T1-88] Ellen Austin urged the return of **mosquito spraying** equipment – she spoke in opposition to spraying of insecticides. She feels like the county needs to address standing water and educate people. She asked the court to put this issue back on the agenda.  
 [T1-134] Scott Reynold presented 110 agenda request forms to put this issue [**mosquito spraying**] back on the agenda – he felt like the action last week should have been no spraying without further surveillance – he spoke of Allen Walther advising the public that they can request spraying – he did not feel like this was the action of the court last week. He spoke of health dangers of insecticides and garlic barrier that is used in New York. Commissioner Carter felt like the action taken was to suspend spraying until further surveillance – she did not understand that we were going to continue spraying. Commissioner Burnett spoke of his amendment to the motion which was to suspend widespread spraying and only spray upon request with approval of Health Dept. and Commissioner and with Wimberley being a No Spray Zone.

**20476 APPROVE THE COMMISSIONERS' COURT MINUTES OF AUGUST 6, 2002**

A motion was made by Commissioner Burnett, seconded by Commissioner Carter to approve the Commissioners' Court Minutes of August 6, 2002 as presented by the County Clerk. All voting "Aye".

**20477 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Burnett, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$278,380.54 as presented by the County Auditor. All voting "Aye".

Public Safety Svcs	\$ 185.00	Fines	\$ 190.00	TDHCA Funds	\$ 2,257.40
Auditors Office	\$ 698.51	Treasurers Office	\$ 184.18	Extension Office	\$ 329.40
Grants Admin Office	\$ 264.71	Juvenile Probation Ofc	\$ 1,272.67	Election Admin Office	\$ 341.28
Transfer Station	\$ 380.92	Bldg Mtc. Dept.	\$ 5,828.16	Environ Health	\$ 25,031.65
Civic Center	\$ 947.69	Countywide Oper	\$ 23,442.75	Tax A/C Office	\$ 939.03
District Clerk's Office	\$ 650.48	Sheriff's Office	\$ 14,814.22	Jail Operations	\$ 21,117.26
Human Resources	\$ 459.41	Co Court at Law 1	\$ 173.09	District Attorneys Ofc	\$ 1,031.81
J.P. 1-1	\$ 115.58	J.P. 1-2	\$ 158.97	J.P. 2	\$ 242.71
J.P. 3	\$ 90.35	J.P. 5	\$ 192.72	Dept of Public Safety	\$ 275.04
Constable 1	\$ 244.92	Constable 2	\$ 118.75	Constable 3	\$ 87.95
Constable 4	\$ 85.00	District Court Oper	\$ 19,112.54	Co & JP Court Oper	\$ 3,363.08
Precinct 1	\$ 201.23	Precinct 3	\$ 814.72	Veterans Adm Office	\$ 700.00
Computer Services	\$ 2,978.07	Co Court at Law 2	\$ 190.34	DPS/Lic & Wghts	\$ 39.29
Fire Marshal/EMC	\$ 429.13	District Crt Reporters	\$ 85.16	Assoc Judge/Family	\$ 48.41
Special Counsel Office	\$ 149.51	Bulletproof Vest Grant	\$ 6,300.00	VOCA Grant	\$ 582.21
Truancy Officer Grant	\$ 553.45	911 Addrs Mtc. Grant	\$ 1,442.85	Juvenile Acct Grant	\$ 2,022.24
General Fund Credit	<\$164.70>	Election Contract Fee	\$ 151.58	Road & Bridge Oper	\$ 68,507.35
Co Engineer Office	\$ 245.43	R&B Gen Fund Credit	<\$5,788.16>	County Parks Fund	\$ 404.05
Rec Mng/Co Clerk	\$ 1,984.96	Health Svcs Grants	\$ 215.96	Law Library Fund	\$ 17.71
Juvenile Center	\$ 9,202.99	Courthouse Security	\$ 66.44	Sheriffs Drug Forf Fund	\$ 147.00
Family Health Svcs	\$ 1,138.55	Justice Crt Tech Fund	\$ 6,134.43	Road Bond S.2001	\$ 54,953.11



**27478 APPROVE BUDGET AMENDMENT 02-36**

A motion was made by Commissioner Burnett, seconded by Commissioner Carter to approve Budget Amendment No. 02-36 as proposed by the County Auditor. All voting "Aye".

				<b>AMENDMENT NO. 2002-36 FY 2002 BUDGET 08-13-02</b>
<b>FUND NO. 01</b>				
<b>FUND TITLE GENERAL FUND</b>				
<b>LINE ITEM - EXPENDITURES</b>	<b>APPROPRIATION BEFORE</b>	<b>AMENDMENT</b>		<b>APPROPRIATION AS</b>
	<b>AMENDMENT</b>	<b>INCREASES</b>	<b>DECREASES</b>	<b>AMENDED</b>
<b><u>ENVIRONMENTAL HEALTH (411):</u></b>				
01-411-5331 Cont Ed	118,214	1,500		119,714
01-411-5443 Consulting Expense	2,500		(1,500)	1,000
<i>Transfer for additional training for spraying</i>				
<b><u>JUSTICE OF THE PEACE 1-2 (425):</u></b>				
01-425-5711 Office Equipment	2,300	565		2,865
01-425-5335 Time Payment Expense	8,600		(565)	8,035
<i>Authorize and transfer cost of additional filing cabinet needed</i>				
<b><u>CONSTABLE, PCT.4 (434):</u></b>				
01-434-5717 Law Enf Equipment	5,228		(200)	3,228
01-434-5489 Telephone	225	200		425
<i>Transfer for purchase of additional office telephone</i>				
<b><u>CJD TRUANCY OFFICER GRANT (717):</u></b>				
01-717-5717 Equipment	-0-	5,400		5,400
01-717-5311 Travel	1,500		(832)	668
01-717-5219 Supplies	4,355	4,794		9,149
01-717-5448 Contract Services	9,362		<u>(9,362)</u>	-0-
<i>Transfer for purchase of PA system, in-car video and various supplies</i>				
<b><u>CAPCO/911 ADDRESSING MAINTENANCE GRANT (727):</u></b>				
01-727-5448 Contract Services	11,000		(1,600)	9,400
01-727-5311 Travel	4,000		(440)	3,560
01-727-5219 Miscellaneous Supplies	2,000	2,940		4,940
01-727-5718 Software	1,000		<u>(900)</u>	100
<i>To purchase additional supplies and cover increase in supply costs approved by CAPCO</i>				
<b>FUND NO. 07</b>				
<b>FUND TITLE PARKS FUND</b>				
<b><u>PARKS ADMINISTRATION (487):</u></b>				
07-487-5331 Cont Ed	550	50		600
07-487-5219 Miscellaneous Supply	1,225		(50)	1,175
<i>Transfer for balance of conference cost</i>				
<b>FUND NO. 07</b>				
<b>FUND TITLE RECORDS MANAGEMENT FUND</b>				
<b><u>RECORDS MANAGEMENT (445):</u></b>				
08-445-5391 Other	136	1,000		1,136
08-445-5215 Perm Record Supply	15,217		(3,200)	12,017
08-445-5711 Office Equipment	6,400	<u>2,200</u>		8,600
<i>Transfer for installation of computer/cashier system to begin in FY2003 budget and a plat cabinet</i>				

**20479 PENA ADDITION [PCT. 2 #02-2-012] APPROVE PRELIMINARY PLAT [T1-215]**

Environmental Health Director Allen Walther gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve preliminary plat of "Pena Addition". All voting "Aye".

**20480 FISCHER COVE RESUBDIVISION OF TRACTS 2 & 4 [PCT. 3 #02-3-008] \* APPROVE PRELIMINARY PLAT [T1-225]**

Environmental Health Director Allen Walther gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve preliminary plat of "Fischer Cove Resubdivision of Tracts 2 & 4". All voting "Aye".



**20481 RAINBOW RANCH RESUBDIVISION OF TRACT 101 [PCT. 4 #02-4-054] \* APPROVE FINAL PLAT [T1-241]**

Environmental Health Director Allen Walther advised this is part of an unrecorded subdivision – creates 2 lots (Tract 101A & Tract 101B) out of 1 lot – no public notice necessary. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of “Rainbow Ranch Resubdivision of Tract 101”. All voting “Aye”.

**20482 THE PRESERVE PHASE 2 [PCT. 4 #00-4-104] \* APPROVE FINAL PLAT AND ACCEPT COMPLETION OF CONSTRUCTION OF ROADS AND DRAINAGE IMPROVEMENTS [T1-250]**

Environmental Health Director Allen Walther advised that the pads in this subdivision are to be privately maintained, there was no construction bond posted (roads completed prior to final plat), and no maintenance bond is required. A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve final plat of “The Preserve Phase 2” and accept completion of construction of roads and drainage improvements. All voting “Aye”.

**Clerk's Note: Agenda Item #10 RE: COVES OF CIMARRON SECTION 2 PHASE 4 [PCT 2 #00-2-026] \* APPROVE COMPLETION OF THE MAINTENANCE PHASE AND THE RELEASE OF MAINTENANCE FISCAL SECURITY AND ACCEPTANCE OF THE ROADS IN THIS SECTION INTO THE COUNTY MAINTENANCE SYSTEM. (PRECINCT 2) was PULLED by Commissioner Carter – no discussion and no action.**

**20483 HOLD A PUBLIC HEARING WITH ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) IN THE HAYS COUNTRY OAKS SUBDIVISION IN THE BUDA AREA [T-277]**

Judge Powers declared the public hearing open – no public input was received and public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended a speed limit of 30 MPH. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulations of 30MPH speed limit in the Hays Country Oaks Subdivision (Streets: Oakwood Drive, Scenic Oak Trail, and Country Oaks Drive). All voting “Aye”.

**20484 CALL FOR A PUBLIC HEARING ON AUGUST 27, 2002 TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS ON FARRELL LANE (SPEED LIMIT) [T1-295]**

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to call for a public hearing on August 27, 2002 to consider establishing traffic regulations on Farrell Lane (speed limit). All voting “Aye”.

**20485 GRANT A VARIANCE TO THE PERSONNEL TRAVEL POLICY REGARDING LODGING PAID BY THE COUNTY [T1-306]**

District Clerk Cecelia Adair and Tax Assessor Collector Luanne Caraway requested payment by the county for hotel lodging in Austin, Texas. The county travel policy states that “The County will not pay for lodging unless the meeting/conference site is a least 45 miles from the employees office”. Cecelia Adair spoke of time that will be spent in Austin (last evenings) and it would be inconvenient to drive back and forth every day. She spoke of conferences in Austin and how much of those expenses are reimbursed through the associations. Luanne Caraway agreed with statements made and requested the same variance. (the following action includes Agenda Item #13 & #14). The Court agreed that the personnel travel policy needs to be changed for Elected Officials. A motion was made by Commissioner Carter, seconded by Commissioner Burnett to grant a variance to the personnel travel policy regarding lodging paid by the county for District Clerk Cecelia Adair and Tax Assessor-Collector Luanne Caraway. All voting “Aye”.

**20486 AUTHORIZE THE HAYS COUNTY TAX ASSESSOR-COLLECTOR TO ENROLL AND PARTICIPATE IN THE TEXAS DEPARTMENT OF TRANSPORTATION INTERNET REGISTRATION PROGRAM [T1-375]**

Tax Assessor-Collector Luanne Caraway spoke in favor of Internet Vehicle Registration - there is no expense to the county – this will allow vehicle registration over the internet using a credit card – she needs authorization to sign an enrollment agreement. A motion was made by Commissioner Carter, seconded by Commissioner Burnett to authorize the Hays County Tax Assessor-Collector to enroll and participate in the Texas Department of Transportation Internet Registration Program. All voting “Aye”.



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**20487 RENEW AND SIGN A LEASE AGREEMENT BETWEEN DRIPPING SPRINGS INDEPENDENT SCHOOL DISTRICT AND HAYS COUNTY PCT. 4 OFFICES [T1-410]**

Commissioner Molenaar advised that this is a continuation of a current lease – there is no increase in the rental rate. The leased property is located at 3111/2 Old Fitzhugh Road (Stephenson Building) – the term of the lease commences on the 1<sup>st</sup> day of August, 2002 and ends on the 31<sup>st</sup> day of July, 2003 with the option to renew for a 1-year period ending 2004. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize renewal of lease agreement between the Dripping Springs School District and Hays County for property located at 3111/2 Old Fitzhugh Road (Stephenson Building). All voting “Aye”.

**20488 ESTABLISH A TIRE COLLECTION PROGRAM TO LIMIT THE RAPID REPRODUCTION OF MOSQUITOS [T1-428]**

Commissioner Molenaar suggested working out a program allowing people to bring in tires either free or for a small charge to help eliminate breeding ground for mosquito – he recommends charging \$1.00 per tire. Commissioner Carter felt like it would open a can of worms. Commissioner Burnett spoke of neighborhood and river cleanups that produce a numerous amount of tires – he spoke of need for an incentive for people to bring in old tires. Transfer Station Manager Jerry Pinnix spoke in support of this program – he is unsure how you would prevent someone from bringing in a large amount of tires – he suggested accepting 2 tires for free and additional tires at \$2.00 each. Road Supt/Engineer Jerry Borcharding spoke of passenger car tires he takes to the cement plant for free – if the volume gets great they may not accept any more. Commissioner Molenaar suggested limiting \$1.00 fee to residents only, not commercial businesses with program running through the last day of September. Commissioner Carter advised that \$2.00 is an appropriate fee to charge. A motion was made by Commissioner Molenaar, seconded by Judge Powers to establish a tire collection program at the Wimberley Transfer Station with a charge of \$1.00 per tire for county residents only, with program to expire the last day of September, 2002. Commissioner Molenaar, Commissioner Burnett, Judge Powers, and Commissioner Ingalsbe voting “Aye”. Commissioner Carter voting “No”.

**20489 APPROVE NEXTEL PHONE SERVICE FOR THE CONSTABLE PCT 3 OFFICE [T1-612]**

Constable Pct. 3 Ron Magill submitted a request for approval of Nextel phone service for his office. Because of the way the Nextel system works it would give him better communication between the deputies, the courts, the dispatcher, and the public and would help save on the numerous long distance calls from Wimberley to San Marcos. He currently has funds in his budget to pay for this service for the remainder of the fiscal year. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Nextel phone service for the Constable Pct. 3 office as requested. All voting “Aye”.

**DISCUSSION REGARDING UPDATING HAYS COUNTY SUBDIVISION RULES ON WATER AVAILABILITY (AND PLATTING EXEMPTIONS) [T1-622]**

Commissioner Carter spoke of Comal County Engineer Tom Hornseth’s presentation last week. She handed out a copy of the “Revisions to Comal County Subdivision Rules and Regulations”. Commissioner Molenaar felt like we already have our own water availability rules – he felt like we are already ahead of them. Commissioner Carter spoke of Hays County Water Availability Rules adopted in 1999 – TNRCC rules were amended after that regarding water availability (at least 20-30 years of water availability). She asked members of the court to review what she handed out and work it into the Hays County Rules. Environmental Health Director Allen Walther advised that developers must demonstrate that they have adequate water to serve the development and an assessment of effect to surrounding properties owners. He stated that we also address water quality. She spoke of definitions needed for hydrologist, etc. Commissioner Carter stated that she believes Comal County has tighter rules than Hays County. Commissioner Molenaar spoke of controlling our own destiny and not do it their (TNRCC) way. Allen Walther spoke of discussions when developing our rules regarding engineers & hydrogeologist – many engineers did not have experience with hydrogeology and performing well tests - the reports are reviewed by staff in addition to which they have submitted to the Trinity Groundwater District every water availability report that has come through the office in their area and they have not contradicted the results of any results. Commissioner Carter advised that Marshall Jennings has made comments regarding some of the studies and those comments have never been seen by members of the court. Commissioner Molenaar spoke of input from Marshal Jennings and Curtis Wilson. Commissioner Carter spoke of need for verification that we have real standards for people who assure us of water availability. Commissioner Carter spoke of Comal County referring to Chapter 230 which is a stronger tool than what we currently have. She spoke of water suppliers over-pumping their permitted amounts. She suggested an educational process so we understand better what we are doing by using the new tools in Chapter 230 and don’t rely entirely on staff. She spoke of people that will be coming before the court in the future regarding this issue. [T1-1330] Marshall Jennings (SWTSU) came to court at this time and advised that he was invited by Commissioner Carter to speak regarding water availability – he reviewed Comal County’s rules and they have a more elaborate section that is built on Section 230 that was passed in 2000. He thinks we possible should look at our rules. He has reviewed some water analysis reports for the county (5 of 12). Chapter 230 was created for county’s not in ground water priority areas – came after Hays County did theirs – it is a sound engineer analysis. Our rules are minimally adequate and more detail is needed as set out in Chapter 230. He stated that you don’t have to adopt Chapter 230 but you can use portions of it to upgrade the current rules. Commissioner Molenaar spoke of Senate Bill 1 authority. Marshal Jennings spoke of last legislature now requiring licensing hydrogeologists. He suggested getting with the Ground Water Conservation District to improve the current rules.



**20490 PUBLIC HEARING AND ACTION TO PURSUE PROCESS OF CHAPTER 232.106, TEXAS LOCAL GOVERNMENT CODE AS IT RELATES TO THE CONNECTION OF UTILITIES IN UNINCORPORATED AREAS OF HAYS COUNTY [T1-1639]**

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Commissioner Carter spoke of new chapter 231.106 LGC which will prevent illegal subdivisions from being created in Hays County – must have a certificate from Hays County saying you have proper sewage treatment available before you can receive utility connections. A motion was made by Commissioner Carter to adopt provisions of Chapter 232.106 Texas Local Government Code as it relates to the connection of utilities in unincorporated areas of Hays County. Motion died for lack of a second. Judge Powers advised that he spoke with Fort Bend County – they have adopted an order, however, they are still in the process of writing their rules and they are unclear how they would enforce this and more research is needed. Commissioner Molenaar advised that PEC and Verizon are not hooking up utilities unless a subdivision is approved and platted. Environmental Health Director Allen Walther advised that the utility providers must sign off before a subdivision is approved. Commissioner Burnett spoke of how this Order is written would require developer to put in the septic systems on every lot before we would give approval. Commissioner Carter felt like it is very hard to stop illegal subdivisions if you don't have this tool. Commissioner Carter stated that in colonia counties they are using this tool and in Precinct 2 we have a lot of the same problems and we need this tool. [T1-1894] A motion was made by Judge Powers, seconded by Commissioner Carter to pursue the process of Chapter 232.106 Texas Government Code as it relates to the connection of utilities in unincorporated areas of Hays County and instruct staff to follow up with Fort Bend County rationale. Commissioner Burnett requested that this be a topic of discussion with our State Representative as well. Commissioner Ingalsbe, Commissioner Carter, Commissioner Burnett, and Judge Powers voting "Aye". Commissioner Molenaar voting "No".

**FY 2003 BUDGET WORKSHOP - COUNTY JUDGE PRESENTS HIS PROPOSED BUDGET TO COMMISSIONERS' COURT [T1-1926]**

County Judge Jim Powers presented his proposed FY2002-2003 Hays County Budget . The Budget Highlights for FY2003 are as follows:

Valuations increased from \$5,148,736,658 to \$5,543,678,360 – an increase of \$394,941,702 which includes new improvements of \$433,127,150

Current Tax Rate	44.61 cents
Effective Tax Rate	43.62 cents
Proposed Tax Rate	44.61 cents

The proposed tax rate represents no increase in the current tax rate and an increase over the effective tax rate of .99 cents.

1 cent of tax rate in FY2002 generated	\$492,206
1 cent of tax rate in FY2003 will generate	\$526,649

Taxes generated this year FY2002 =	\$ 21,915,065
Taxes generated next year FY2003 =	\$ 23,466,034

- Included in the FY2003 Budget are:
- ? \$700,000 for salary adjustments upon completion of salary study
  - ? Health Insurance cost increases of \$450,000
  - ? Liability Insurance and Worker's Compensation increase of \$350,000
  - ? Additional costs of District court of \$180,000
  - ? Purchase of road equipment of \$440,645
  - ? No new positions
  - ? Requires a use of General Fund Reserves of \$580,332

Judge Powers spoke of 2 proposed schedules (workshops & notifications). The first workshop will be held Thursday @ 10 a.m.

**Court was adjourned.**

**MINUTES APPROVED IN OPEN COURT ON THE 20<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**

