



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 20th DAY OF AUGUST A.D., 2002, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

| | |
|---------------------------------|-----------------------------|
| JAMES L. POWERS | COUNTY JUDGE |
| DEBBIE GONZALES INGALSBE | COMMISSIONER, PCT. 1 |
| H. S. "SUSIE" CARTER | COMMISSIONER, PCT. 2 |
| WILLIAM "BILL" BURNETT | COMMISSIONER, PCT. 3 |
| RUSS G. MOLENAAR | COMMISSIONER, PCT. 4 |
| LEE CARLISLE | COUNTY CLERK |

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

PRESENTATION ON WATER AVAILABILITY AND ACCOUNTABILITY

Jack Hollon spoke of local control or regional control of ground water – the ground water district is in the process of rewriting their rules – they are trying to gather information and science to make good ground water management possible. He thanked the court for their support (county providing an office for them) and he urged the court to go slowly to strengthen the county rules – look for good models and keep in mind "local control". He spoke in support of planning and including local people, cities & communities, environmentalist, etc. in the process.

20492 APPROVE THE COMMISSIONERS' COURT MINUTES OF AUGUST 13, 2002

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the Commissioners' Court Minutes of August 13, 2002 as presented by the County Clerk. All voting "Aye".

20493 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 \$302,002.52 as presented by the County Auditor. All voting "Aye".

| | | | | | |
|-------------------------|--------------|----------------------------|---------------------------|--------------------------|---------------|
| Fines | \$ 49.43 | Tdhca Funds | \$ 408.36 | Auditors Office | \$ 605.50 |
| Treas Office | \$ 373.73 | Extension Ofc | \$ 5,681.86 | Grants Admin | \$ 440.33 |
| Juvenile Prob | \$ 39,807.63 | Election Admin | \$ 294.92 | Indigent Care | \$ 10,317.00 |
| Transfer Station | \$ 5,982.60 | Bldg Mtc Dept | \$ 7,414.59 | Environ Health | \$ 67.09 |
| Civic Center | \$ 538.05 | Countywide Oper | \$ 20,008.73 | Tax A/C | \$ 26.72 |
| District Clerk Office | \$ 868.39 | Sheriffs Office | \$ 30,566.91 | Jail Operations | \$ 17,823.48 |
| Human Resources | \$ 75.73 | Co Court at Law 1 | \$ 267.00 | District Attorneys Ofc | \$ 947.76 |
| J.P. 1-1 | \$ 171.83 | J.P. 1-2 | \$ 2,603.17 | J.P. 2 | \$ 254.65 |
| J.P. 3 | \$ 25.28 | J.P. 4 | \$ 145.00 | J.P. 5 | \$ 341.99 |
| DPS | \$ 517.55 | Constable 1 | \$ 107.00 | Constable 2 | \$ 979.10 |
| Constable 3 | \$ 340.64 | Constable 4 | \$ 410.16 | Constable 5 | \$ 1,200.26 |
| District Court Oper | \$ 10,834.26 | Co & JP Court Oper | \$ 3,858.32 | Precinct 1 | \$ 95.70 |
| Precinct 2 | \$ 19.05 | Precinct 3 | \$ 39.38 | Precinct 4 | \$ 77.00 |
| Veterans Admin | \$ 1,057.03 | Computer Services | \$ 2,728.40 | TJPC Salaries Grant | \$ 2,000.00 |
| DPS/L&W | \$ 365.50 | Fire Marshal/EMC | \$ 544.19 | District Court Reporters | \$ 190.00 |
| Comm Court Expenses | \$ 360.48 | CJD/VOCA Grant | \$ 746.15 | CJD/VAWA Grant | \$ 1,009.06 |
| Auto Theft Task Force | \$ 103.56 | TJPC/Title 4 Juv Prob | \$ 2,827.82 | CJD/Juv Acct Grant | \$ 239.60 |
| TJPC/Juv Justice Alt Ed | \$ 16.95 | General Fund Credit | < \$303.71 > | R&B Operations | \$ 100,847.40 |
| Co Engineer Office | \$ 861.25 | Sheriffs Abandon Veh | \$ 63.10 | Co Parks Fund | \$ 2,831.00 |
| Rec Mngmnt/Co Clerk | \$ 9,109.91 | Health Svcs grants | \$ 4,568.75 | Law Library Fund | \$ 1,810.20 |
| Juvenile Center | \$ 3,898.11 | Courthouse Security | \$ 569.95 | Sheriffs Drug Forfeiture | \$ 82.24 |
| Family Health Svcs | \$ 2,312.53 | Justice Crt Tech Fund | \$ 129.40 | DOJ/Eqpt & Tech Fund | \$ 9,890.00 |
| Road Bond S.2001 | \$ 6,086.50 | | | | |

20-494 APPROVE BUDGET AMENDMENT 02-37

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Amendment No. 02-37 as proposed by the County Auditor. All voting "Aye".



| AMENDMENT NO. <u>2002-37</u> FY 2002 BUDGET 08-20-02 | | | | |
|---|---------------|-----------|-----------|---------------|
| FUND NO. <u>01</u> FUND TITLE <u>GENERAL FUND</u> | | | | |
| LINE ITEM - EXPENDITURES | APPROPRIATION | AMENDMENT | | APPROPRIATION |
| | BEFORE | INCREASES | DECREASES | AS |
| | AMENDMENT | | | AMENDED |
| TJPC SALARIES GRANT (463): | | | | |
| 01-463-5448 Non-residential Services | 29,946 | | 5,941 | 24,005 |
| 01-463-5497 Residential Services | -0- | 5,941 | | 5,941 |
| <i>Use Non-residential balances for Residential Services</i> | | | | |
| DISTRICT COURT (436): | | | | |
| 01-436-5321 Membership Dues & Bonds | 800 | | 300 | 500 |
| 01-436-5331 Cont Ed | 2,400 | | 300 | 2,100 |
| 01-436-5311 Travel | 600 | 600 | | 1,200 |
| | | 600 | 600 | |
| <i>Transfer for travel expense incurred due to Senate Bill 7 requiring daily travel to LEC by Baliff for Indigent information</i> | | | | |
| COMMISSIONERS' COURT EXPENSE (608): | | | | |
| 01-608-5461 Printing | 200 | 200 | | 400 |
| 01-608-5211 Office Supplies | 2,150 | | 200 | 1,950 |
| <i>To provide funding of up to \$300 for printing of Parks Master Plan</i> | | | | |
| CONSTABLE, PCT. 1 (431): | | | | |
| 01-431-5271 Fuel & Lubes | 3,250 | | 140 | 3,110 |
| 01-431-5391 Other Expenses | 364 | | 100 | 264 |
| 01-431-5773 Vehicles | 20,537 | | 400 | 20,137 |
| 01-431-5021 Staff Salaries | 90,014 | 590 | | 90,604 |
| 01-431-5101 FICA/RET | 20,774 | 50 | | 20,824 |
| | | 640 | 640 | |
| <i>To provide funding for part-time deputy Constable (40 hrs)</i> | | | | |
| FUND NO. <u>03</u> FUND TITLE <u>ROAD & BRIDGE GENERAL FUND</u> | | | | |
| ROAD & BRIDGE OPERATIONS (438): | | | | |
| 03-438-5351 Road Const Materials/Supplies | 2,363,360 | | 17,500 | 2,345,860 |
| 03-438-5448 Contract Road Work | 788,689 | 12,000 | | 800,689 |
| 03-438-5219 Miscellaneous Supplies | 15,500 | 500 | | 16,000 |
| 03-438-5262 Signs & Barricades | 60,500 | 5,000 | | 65,500 |
| | | 17,500 | 17,500 | |
| <i>Transfer for additional reconstruction costs, additional trash bags and rags, and for signs and posts</i> | | | | |
| FUND NO. <u>10</u> FUND TITLE <u>HEALTH SERVICES GRANTS FUND</u> | | | | |
| TDH IMMUNIZATION (708): | | | | |
| 01-708-5219 Supplies | 15,907 | | 1,500 | 14,407 |
| 01-708-5311 Travel | 800 | 1,000 | | 1,800 |
| 01-708-5719 Miscellaneous Equipment | 3,500 | | 1,115 | 2,385 |
| 01-708-5391 Other | 500 | 1,615 | | 2,115 |
| | | 2,615 | 2,615 | |
| <i>Use excess grant funds for mandatory required seminar for all employees for registration and travel.</i> | | | | |

20495 APPROVE UTILITY PERMITS #1603 & #1604

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Utility Permit #1603 on CR126/High Road issued to Pedernales Electric and #1604 on CR126/High Road issued to Pedernales Electric as submitted by the Road Department. All voting "Aye".

20496 ACCEPT INTERNAL EXAMINATION REPORTS FOR JUSTICE OF THE PEACE PRECINCT 2 AND PRECINCT 5

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to accept Internal Examination Reports for Justice of the Peace Precinct 2 and Precinct 5. All voting "Aye".



20497 PENA ADDITION [PCT. 2 #02-2-012] * APPROVE FINAL PLAT [T1-136]

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

20498 PUBLIC HEARING WITH ACTION TO ESTABLISH TRAFFIC REGULATIONS ALONG OLD STAGECOACH ROAD AT DUDLEY JOHNSON PARK [T1-146]

Judge Powers declared the public hearing open – no public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding advised that this relates to considerable parking during times when the park is closed – it is a safety issue that warrants "NO PARKING" and a "Tow Away Zone". A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to establish traffic regulations – NO PARKING signs in county right-of-way and "TOW AWAY ZONE" – along Old Stagecoach Road at Dudley Johnson Park in the Kyle area. All voting "Aye".

20499 PUBLIC HEARING WITH ACTION TO ESTABLISH TRAFFIC REGULATION (STOP SIGN) ON LONIE LANE AT THE INTERSECTION WITH HIGH ROAD [T1-181]

Judge Powers declared the public hearing open – no public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding advised that a STOP sign has never been established at this location and it is needed. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulation of "STOP" sign on Lonie Lane at the intersection with High Road. All voting "Aye".

20500 AMEND THE LODGING PROVISION OF THE TRAVEL POLICY [T1-200]

Commissioner Burnett spoke of requests last week from District Clerk Cecilia Adair and Tax A/C Luanne Caraway for county to pay lodging expenses for conferences in Austin. The County Travel Policy currently states that the County will not pay for lodging unless the meeting/conference is at least 45 miles from the employee's office. He believes that elected officials should be exempted from this requirement as the voters elected them and attending continuing education conferences should not be micro-managed by the court. He also recommended that elected officials not be required court approval for continuing education conferences that are out of state. Commissioner Carter feels like the policy is good and the public should know when our elected officials are going out of state and it doesn't hurt for them to get waivers. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to amend the lodging provision of the Travel Policy as recommended. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

20501 AUTHORIZE THE HIRING OF A TEMPORARY PART-TIME DEPUTY IN CONSTABLE, PCT 1 OFFICE AND AMEND THE BUDGET ACCORDINGLY [T1-232]

Commissioner Ingalsbe spoke of absence of Constable Cruz due to illness – he is unable to return to work until the first of September. Request to allow hiring a part-time deputy constable for 20 hours per week for two weeks to allow Constable Pct. 1 to catch up on work. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the hiring of a temporary part-time Deputy in Constable Pct. 1 Office and amend the budget accordingly. All voting "Aye".

20502 CALL FOR LOCAL OPTION ELECTION TO BE HELD ON SEPTEMBER 14, 2002 IN THE CITY OF DRIPPING SPRINGS [T1-245]

Elections Administrator Joyce Cowan submitted the petitions for a local option election for the City of Dripping Springs. She certified that a total of 418 qualified signatures on the Local Option Petition for the City of Drippings Springs were filed with her office on August 9, 2002. A total of 392 signatures were necessary for the election to be called. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to call for a Local Option Election to be held on September 14, 2002 in the City of Dripping Springs. All voting "Aye".



20503 ACTION RELATING TO BOND FUNDING FOR COUNTY AND STATE ROADS. ACTION TO INCLUDE THE AUTHORIZATION FOR THE COUNTY JUDGE TO SUBMIT A LETTER TO THE TEXAS DEPARTMENT OF TRANSPORTATION REGARDING LEVERAGING AND FUNDING STRATEGIES FOR STATE PROJECTS AND THE ADOPTION OF A RESOLUTION EXPRESSING THE COURT'S INTENT TO CONSTRUCT THE WIMBERLEY BY-PASS AS A COUNTY ROADWAY [T1-269]

Commissioner Burnett spoke of workshop held regarding the Road Bond Projects – a townhall meeting was held in Wimberley with over 200 people showing up – 154 signed up for public participation and only 3 people were against the county as a county project - it was a very positive meeting with a clear intention that they want to see that project move forward. He spoke in support of these projects. PE/Project Director Al Luedecke (Turner, Collie & Braden) spoke of letter to be submitted to TxDot and of his discussions with TxDot – it is very attractive to the district. He feels like a response would be received in a short period of time. Commissioner Carter spoke of letter she got from TxDot, and that she faxed to Bob Austin, wherein the designer Rick Harris - Prof Engineer - updated her that the only thing TxDot needs on FM1626 & FM967 is major right-of-way. She would like to correct our letter to not lock us into construction cost and engineering since this is already being taken care of by TxDot. Al Luedecke stated that on state roads the county has a certain responsibility – usually 10% - he spoke of this being a leveraging tool – they only have so much staff and they will design and build the road, given time. Commissioner Carter spoke of need to make sure we have sufficient funds for R-O-W on FM1626 & FM967. He advised that you could do the minimal amount in these projects or you can assist the State to speed up the project by providing additional funds to move it up in priority. Commissioner Molenaar spoke of having an aggressive program in Hays County – he spoke of narrow lanes with no passing lanes making these roadways dangerous. Commissioner Carter suggested changing item #8 regarding Hwy 21 to address SH21 north of FM150. She spoke of putting money for Precinct 2 roads in a flexible position so that we are not paying TxDot for projects that they say they are doing within the next 3 years – we don't want to lose that money for Precinct 2 – we have the greatest growth in the county, the two most dangerous corridors in the county, and we have the overflow from Austin. She wants our fair share for Precinct 2. Al Luedecke spoke of Hwy. 21 project – never could not identify any funding that was obligated to complete those projects on north.

PUBLIC COMMENTS:

[T1-597] Bob Mathis (City of Buda City Administrator) applauded the Commissioners in moving this forward – the City of Buda endorses the letter. He spoke of comprehensive plan developed by the City of Buda and he spoke in support of FM1626 project. He asked the court to ask TxDot to improve connections to IH35 (bridge expansion). Supports FM967 which has been on the scope for a number of years. Commissioner Burnett spoke of support for FM967 and FM1626 projects.

[T1-677] Tony McGee (Mayor of Wimberley) advised that they endorse the letter – the voters of Wimberley favored the bond issue (78% in favor) because it recognized that road matters were important to county citizens. He spoke of support for the Wimberley By-Pass.

[T1-721] Sam Davis spoke of conversations he has had with citizens of Hays County – he spoke of growth in his area that has brought in large trucks that have messed up his solitude – we need to be ready for the growth and he supports submission of this letter to TxDot.

[T1-767] T. J. Higginbotham spoke of his family property on FM967 and he supports the letter.

[T1807] Tom Mattis (City Manager of Kyle) spoke in support of the letter – he submitted a copy of the resolution adopted by the City of Kyle in support of these road improvements (including the FM1626 road extension). They are continuing efforts to get TxDot to move FM1626 up on their list and the FM150 improvements.

[T1-884] Daniel Heideman (Uhland resident) spoke of SH21 and growth on this roadway (from FM150 to SH183). He spoke of fatalities on this roadway and he encouraged the court to include this stretch of SH21.

Commissioner Burnett read the resolution and spoke of widespread support from city leaders. He requested Turner, Collie & Braden to put together some numbers on what it would cost for design and schematics on SH21 up to FM2001. The initial design is \$2.2 million for the Wimberley By-Pass for 12 ft. lanes with 2 ft. shoulders (120' ROW). Commissioner Carter asked to see if we have right-of-way funds separate from estimated costs of the projects in Pct. 2 – if we don't need the money estimated for engineering and construction, we can apply that extra money to the construction of Hwy. 21 or other projects in Pct. 2. Commissioner Burnett spoke of priority 2 state projects – if funds are not there, they don't happen.

[T1-972] A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to adopt this leveraging and funding letter and authorize the County Judge to send it to Bill Garbade of TxDot and accept the enclosed resolution regarding the Wimberley By-Pass and move forward with that project as a county project. All voting "Aye".



Mr. William Garbade, P.E., District Engineer
Texas Department of Transportation
PO Box 15426-NES
Austin, Texas 78761

8/13/02

Dear Sir:

The Hays County Commissioner's Court proposed and the voters approved the largest bond issue in county history. This bold action is even more significant in that it is destined almost entirely to improving the transportation system throughout the county. With the help of our consulting engineers, we have identified a number of key county roads that need to be rehabilitated or expanded to better serve the present and future population that is expected to grow at the highest rate of any county in Texas. Initial work on the planning and design of these roads is currently underway and we plan to have several county road projects started as early as late summer or fall. We will be happy to provide you a listing of these off-system roads to assist you in your planning for the Hays County region.

There are a number of state highways in Hays County that need to be expanded or constructed to support our anticipated growth. Many of these highways have been at some level of planning or development in your district program for a number of years. It has been reported to us that limited state and Federal funding has prevented TxDOT from programming many of these projects and there does not appear to have been much work done to prepare the plans or acquire right of way. We strongly believe, however, that it is important to move as quickly as possible to get a number of the projects built since parts of the county will continue to become more urbanized and residential development will continue to increase the traffic load on the overburdened system.

In view of these conditions and with the understanding that TxDOT appreciates the willingness of a governing body to help support the total transportation system that serves them most directly, the Court specified in the bond referendum that approximately \$21 million of the issue be used to develop key state roadways. We have developed a proposal to use these funds to participate in much of the design, right of way and construction costs to build or expand several state highways.

Attached Exhibit A indicates the current estimated costs we have had prepared for the development and construction of each project and the proposed county participation. The following is a very brief description of what each project will provide to improve the road.

1. **US 290** - Dripping Springs to the Travis County Line

This project will expand the cross section from a four-lane roadway to a five-lane roadway with ten-foot shoulders. The expansion of this developing segment of US 290 will greatly increase the safety and efficiency of the highway without a lot of additional right of way. We note that this roadway is on the Texas Trunk System but is not in the initial Phase I program, which will require at least ten years to complete at current funding levels. This project should quickly provide for traffic increases until the Phase II program is begun. The County has proposed to provide up to \$1,850,000 for the engineering and construction funding for this project.

2. **RM 12** - San Marcos to RM 32

This portion of RM 12 is a rather dated rural road in a rapidly developing area west of San Marcos and is presently a Priority 1 project to expand the road to four-lane with shoulders and is programmed at a currently estimated cost of \$4 million. We believe that this level of funding is insufficient to expand this roadway today and the county proposes to provide funding for the engineering and \$2,000,000 toward the construction. The need for this project and its ranking suggests that development and construction should begin as soon as possible. Our general engineering consultant, Turner Collie & Braden, Inc, is available and extremely familiar with this project. They could be tasked to design this project quickly under the current evergreen contract you have with them.

3. **FM 110** - IH 35 south to SH 80

This project is an initial construction phase of a new farm to market roadway that has been designated on the state system for many years. The segment shown in Exhibit A would provide a reliever for traffic to access the airport and Gary Job Corps from IH 35 without impacting the already congested SH 21/IH 35 interchange to the south. However, there may be advantages to selecting another segment for initial construction based on the possibility of a timely donation of right of way and other considerations. Because of importance of this road to the county and San Marcos, the county is proposing the following:

- ? Fund the development of the schematics for the project from IH 35 North of San Marcos to IH 35 South of San Marcos.
- ? Use the approved schematics to preserve the entire corridor for future construction and select the most appropriate segment for the initial construction phase.
- ? Provide \$4,743,800 toward the location, design and construction of the segment identified in the schematic development project.
- ? Fund any right of way acquisition costs for the selected segment.

4. **FM 1626** - Travis County Line to FM 967

Extensive suburban development has placed a burden on this road. We propose an expansion to an urban five-lane section with curb and gutter. This is necessary due to the current development and proposed subdivisions. Hays County proposes to provide approximately half of the estimated construction costs and to provide the funds to do the engineering for the project for a total of at least \$1,400,000.

5. **FM 967** - FM 1626 to the Buda City Limits

This project is a continuation of the previous project to bring a badly needed urban roadway section into Buda. The funding for this section will be the same arrangement as the funding provided for the FM 1626 project above. (Please refer to the exhibit)

6. **RM 12** - Dripping Springs to Wimberley

RM 12 south of Dripping Springs is an old roadway that is experiencing a dramatic growth in traffic and accident rate due to the growing attraction to the hill country and Wimberley. The entire thirteen-mile section needs some realignment and full expansion to four lanes to make it safer and to meet future demands. Hays County will provide the engineering from Dripping Springs to Wimberley and approximately fifty percent of the funds to construct one third of the project beginning in Dripping Springs.

7. **FM 1826** - RM 150 to the Bear Creek Bridge

This is an old rural road that needs expansion to a four lane urban section due to the increasing development in this dynamic area. The county proposes to provide \$500,000 for the engineering for the project and \$500,000 toward its construction.

8. **SH 21** – FM 150 to 1.9 miles South

There is an ongoing construction project from near SH 80 to 1.9 miles south of FM 150 that is expanding the road to a four-lane section with shoulders. This project would extend that project farther north to FM 150, which is a more logical terminus since it will service the traffic coming from IH 35 to the airport and Job Corps Center. The county proposes to provide \$1,250,000 for the design and construction of this project.

Because the county has assumed certain responsibilities to purchase some or all of any right of way for these projects, we have reserved sufficient funds from our bond program to meet those obligations for these projects. You will appreciate that these are all preliminary estimates for the various aspects of these projects and we have not yet attempted to place any timeframes on the program. We hope you are in substantial agreement with the concepts proposed here and we would like to meet with you or your staff to refine and detail the proposal with the ultimate goal of securing your approval.

If you have questions or need additional information, please contact me, Commissioner Bill Burnett or Mr. Jerry Borcharding, P.E., the county engineer, at (512) 393-2278. We look forward to working with you on this worthy program.

Sincerely,

County Judge
Hays County

Attachment: Exhibit A
CC South Austin Area Engineer

**RESOLUTION OF THE HAYS COUNTY COMMISSIONERS COURT
EXPRESSING INTENT TO CONSTRUCT THE WIMBERLEY BY-PASS**

WHEREAS, the citizens of Hays County and the Hays County Commissioners' Court have for many years supported a plan to construct a bypass around the downtown Wimberley Square, and

WHEREAS, the Citizens Blue Ribbon Committee on Transportation determined this project to be one of Hays County's most important transportation projects, and

WHEREAS, the construction of this roadway would reduce traffic and improve safety on the Wimberley Square, enhance the delivery of emergency services, reduce the threat of hazardous material spills on Cypress Creek, and help Wimberley to maintain its small-town charm, and

WHEREAS, the Texas Department of Transportation has for the last nine years failed to perform a feasibility analysis of this project after it was requested by the Hays County Commissioners' Court, and

WHEREAS, a funding crisis at TXDOT makes the prospect of having the State undertake this project in the foreseeable future remote, and

WHEREAS, traffic volume has steadily increased in the area, funneling more than 13,500 vehicles per day through downtown Wimberley, and

WHEREAS, the Citizens of Hays County approved in 2001 a \$47 million bond issue for various county and state road improvement projects, including the Wimberley Bypass, and

WHEREAS, health and public safety concerns require that this project be given immediate attention,

NOW THEREFORE BE IT RESOLVED that the Hays County Commissioners' Court intends to construct the Wimberley Bypass as a County road utilizing funds from the 2001 Road Bond Program.

ADOPTED ON THIS THE 20th DAY OF AUGUST, 2002

HAYS COUNTY MOSQUITO SPRAYING PROGRAM

[T1-1023] Dr. Harry Thompson spoke of statistics that do not lie and he spoke of warnings regarding mosquito control pesticides and economic and health costs of exposure to toxic substances. [T1-1096] James Beal submitted a paper titled "public indifference to environmental risks". He advised that spraying is counter productive, ineffective and more harmful than the West Nile disease itself and he asked for a moratorium on spraying until we have an efficiency study of its effectiveness. He feels like pesticides do cause birth defects and cancers. [T1-1228] Jerry Kolacny (resident of Kyle) spoke in opposition to mosquito spraying program – does not feel like it will be effective against West Nile virus. He spoke of humans building an immunity to the viruses – he is concerned about damage to the environment and to humans. He doesn't like spending tax money on this program. There are 75 certified organic farmers in Hays County and he understands that if pesticides get on their crops, they will lose their certification. He feels like it would be difficult to identify a "no spray zone" when fogging. [T1-1348] Patrick Timpone (Dripping Springs resident) spoke of compromising the immune system – a greater risk to spray than to not spray. He spoke of deaths caused from pesticides being higher than deaths from the west Nile virus. He spoke of options to spraying that need to be considered.



Commissioner Molenaar spoke of research he has done regarding this issue and action taken by the court to eliminate breeding places by discarding tires. He stated that his office is open to everyone. He stated that he has obtained information regarding garlic treatments. [T1-1602] Elizabeth Drake Maples (SOS and Organic Farmer) read a letter from Melanie Overland (Save Our Springs Alliance) which urges not adopting a spraying program. There is no evidence of West Nile Virus in Hays County. Spraying should not be done unless West Nile Virus has been identified in Hays County. Elizabeth Maples urged the court to do what is right. [T1-1726] Helen Austin spoke of risks to humans – she feels like this program is a waste of taxpayers money and she urged the court to use an alternative mosquito program (prevention, education and killing the larvae). [T1-1829] A tape recording of a statement from Stephanie Reynolds (Wimberley resident) was played for the court – she spoke of health problems she has from chemicals – she spoke of the no spray policy that was adopted by the court but then allowed spraying on request. She spoke in support of prevention and education. [T1-2000] Scott Reynolds (Wimberley resident) submitted paperwork to the court (alternative mosquito program, petition to return equipment and chemicals purchased for the mosquito eradication program and additional names for the no spray list). He felt like the most effective way to address this issue is with education and prevention. He asked the court to do their homework and research to look for alternative methods. [T1-2079] Dick Kallerman (Sierra Club) spoke of phone calls he made in his area to see what others are doing about this issue and most were on vacation – he is against indiscriminate spraying (gets birds, bees, and people). He supports the public comments made. [T1-2139] Commissioner Carter spoke of letter she received from Marvin Crow regarding spraying that he did on his property in Van Zandt County that has 2 lakes on it – the spraying affected his wife more than the mosquitoes – since the spraying they don't have any more dragonflies (which feed on mosquitoes), butterflies and bumblebees. [T1-2215] She stated that she was very concerned about how our motion and amendment was interpreted – she stated that she listened to the tape and she read from her notes what her motion said: *“I move that we put our mosquito eradication spray on hold so that we are sure that what we are doing is really right; and I don't think we have that knowledge at this time. We are not giving up the ability to do this. We do need to wait until the health dept. and state health dept have adequate surveillance in place to do this”*. Commissioner Burnett said *“I think it would be best for us if we adopt no spray now”* – and then the words were added: *“and spray only upon request”* – he went on to say *“spray only upon request approved by the Precinct Commissioner and the Health Department. We continue increased observation”* – the rest of his amendment said *“I would like to add to my position that the Wimberley Valley remain a No Spray Zone”*. He asked *“would you agree to that?”* and she said *“Yes, as long as we agree that we keep in mind that surveillance and monitoring and going through a number of steps is essential before qualifying for spray”*: Commissioner Carter asked how can someone interpret that as to go on the radio and say, *“we are offering spraying now”* when we said we have no spray now. She feels like that has not been observed and that is why she has brought this back to re-evaluate the situation. She spoke of trying to education people who call her for spraying on what the results would be and then ask the health dept. to send someone out to collect samples and their larvae to take to the State Health Dept. so that we would know what sort of mosquitoes we have – have asked for reports of that sampling, nothing has been forthcoming. She spoke of surveillance and monitoring to determine where they are. Commissioner Burnett read a word for word document he had for the record: *I would actually like to offer a friendly amendment to see if you agree with that and if you do not, I understand. But I think it would address everything you are talking about, is that we adopt a NO SPRAY POLICY now and spray only upon request that has been approved by that precinct commissioner and the health department, continue and increase our surveillance, and increase and expand our education program, identify breeding sights, continue the larvaecide, and also I would like to add that I want to continue my position that the Wimberley Valley be considered a NO SPRAY ZONE because of the elderly and the chemically sensitive people in Wimberley. If you would accept that as a friendly amendment, if you feel that covers what you are trying to get to.* **Commissioner Carter:** *Yes, as long as we keep in mind that surveillance and monitoring and going through a number of steps before you qualify for spraying are essential, you don't just get sprayed because you see some mosquitoes.* **Commissioner Burnett:** *And again, I think in the motion, or the amended motion, you have to have written approval by the precinct commissioner in order to spray.* **Judge Powers:** *Do you have a problem with that?* **Commissioner Carter:** *I guess its OK..* Commissioner Carter asked if we have gotten any results from the State Health Department – have we sent any mosquitoes to the State Health Department? [T1-2365] Environmental Health Director Allen Walther stated that he does not know what discussions she has had with his staff - he has instructed his staff, and you have received a copy of my memo, regarding how they were to proceed. Commissioner Carter stated that the memo did not listen to what the minutes were. Judge Powers asked if we have sprayed at all? Anywhere? Allen Walther advised that we have not. Commissioner Carter spoke of her fear that we have created a nuisance program – she feels like it is an out of control situation where we need to get back in control and access what the science is now. [T1-2409] Commissioner Molenaar read a memo to staff from Allen Walther: *To Staff: Yesterday the Commissioners took the following action and amended our mosquito control program to include (1) surveillance and elimination of mosquito breeding places, (2) public education, (3) collecting and forwarding sample birds and mosquitoes to TDH for testing, (4) continue dispensing larvaecide, (5) spraying when requested by individual communities or subdivisions and approved by Precinct Commissioner. I am preparing a request form to be used by communities or subdivisions which request spraying. It must be completed by the requestors and signed by the precinct commissioner before any spraying is authorized. As you are making your daily inspections, please be on the lookout for mosquito breeding places, especially tires and standing water, speak with homeowners and advise them about them mosquito control practices. Thanks.* Commissioner Carter asked the date of the memo. Commissioner Molenaar advised that it was dated Aug. 7, 2002. Commissioner Carter asked for a copy of the memo. Allen Walther advised her that he had sent her a copy and she had asked him to rescind it. Commissioner Carter suggested an alternative mosquito program that involves prevention and education as is done in Washington D.C. [T1-2454] A motion was made by Commissioner Carter to do as New York, Washington D.C., Fort Worth, and other communities are doing that have learned by their own mistakes that it is best to work on prevention and education and not do the spraying. Motion died for lack of a second



ROAD BOND PROJECTS [T1-2470]

State Representative Rick Green apologized for not being here when the court discussed the Road bond Projects. He commended the courts leadership regarding the road bond package and having the vision to prepare this county for the unbelievable growth that we are going to have over the next decade or so. He also thanked the court for what they proposed – it sends a wonderful message to TxDot and gives him the ammunition he needs to fight for those funds and get those project approved. He stated that he and Senator Wentworth will do what they can do to help get these projects approved. Judge Powers gave his appreciation to Representative Green for the hard work he does for Hays County.

Court recessed until 1:00 p.m.

Clerk's Note: Item #15 was pulled prior to recess and was readdressed when the court reconvened. Commissioner Carter was not present. County Judge's staff called Commissioner Carter's office and her staff did not know where the Commissioner was or why she was not present for the remainder of the meeting.

20504 ADOPT REVISED AGENDA GUIDELINES TO BE USED IN THE PREPARATION OF AGENDAS FOR COMMISSIONERS' COURT MEETINGS [T1-2525]

Judge Powers spoke of Special Counsel Jacqueline Cullom Murphy working on the agenda guidelines to help us clarify, organize, and make sure items don't come on the agenda where there's not proper documentation or backup. Jacqueline spoke of using this as a tool to insure compliance of the open meetings act. Judge Powers advised that any change in an agenda item, he will call that person to let them know of changes or if that item being pulled. Jacqueline Cullom Murphy advised that the County Judge would have the discretion to pull something from the agenda if proper background material is not provided. Commissioner Burnett spoke of part that addresses considering and reconsidering items every week – who makes that consideration She spoke of rule regarding placing an item repeatedly on the agenda – this is only a written advisory – its based on the General Rule of Parliamentary Procedure – the public should have a right to rely on the action you take, although you have the authority to rescind and order and change your mind. She spoke of working on this to make sure we don't run into anymore open meetings problems. Discussion was had regarding guidelines that were previously adopted. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to adopt Agenda Guidelines to be used in the preparation of Agendas for Commissioners' Court Meetings. All present voting "Aye".



**HAYS COUNTY
AGENDA GUIDELINES**

Purpose and Intent

Hays County is committed to strict compliance with the Texas Open Meetings Act ("Act") Tex. Govt. Code, Chapter 551. The Act requires that a governmental body must give written notice of the date, hour, place, and subject of each meeting to be held by the governmental body. The Act further requires that notice of the meeting be posted in a public place within seventy-two (72) hours before the scheduled meeting of the governmental body. While the Act does not provide specific instructions regarding the construction of the agenda, there have been several recent court opinions and rulings issued by the Texas Attorney General that are instructive.

It is the intent of the Hays County Commissioners' Court ("Court") to adopt these Agenda Guidelines to ensure strict compliance with the Act and to implement suggestions for compliance contained in recent court opinions and Attorney General rulings. It is the desire of the Court to ensure that the public receives ample notice of the agenda items that will be discussed and considered for action by the Court. It is also the Court's desire that these Agenda Guidelines provide a clearly defined procedure to be followed in preparing the agenda in an effort to enhance the efficiency of the Court.



General Rules Governing Agenda Preparation

1. All topics submitted as agenda items, whether as a presentation, discussion or action item, must constitute “county business”.
2. Agenda items must be worded in a manner that adequately informs the public of the topic to be discussed or considered for action by the Court.
3. Agenda items must be sponsored by one of the following county officials: a) County Judge; b) County Commissioner; or, c) the County Auditor (if the agenda item relates to a budget or other financial issue).
4. All agenda items must be accompanied by appropriate background information (background information is any documentation that will enable members of the court to have advance notice of the topic to be discussed and/or considered for action so that they can come prepared to engage in productive dialog).
5. Agenda request forms (attached as Attachment A) and background documentation must be submitted to the County Judge’s Office no later than 1:00 p.m. on the Wednesday preceding the Commissioners’ Court meeting.
6. Emergency posting of agenda items and executive session agenda items must be reviewed and analyzed by Legal Counsel and authorized by the County Judge.
7. Agenda items that seek reconsideration of action already taken by the Court should not be placed on an agenda unless there is a change in circumstance, i.e. public health and safety, which warrants the reconsideration.

County Judge Responsibilities

1. The County Judge’s Office is responsible for preparation of the Agenda.
2. The County Judge will meet with Legal Counsel and selected staff to review the agenda requests on the Thursday morning prior to the Commissioners’ Court Meeting. Upon advice from staff, the Judge will determine the proper placement and wording of each requested agenda item.
3. The agenda packets with background information included will be available for pick-up in the County Judge’s Office on the Friday morning prior to the meeting.
4. The County Judge will authorize agenda items posted as emergencies (urgent public necessity) or executive sessions as legally authorized.
5. At the request of the County Judge, the County Clerk will post the Commissioners’ Court Agenda no later than 1:00 p.m. on the Friday before the Commissioners’ Court meeting.

Agenda Layout

The Commissioners’ Court Agenda will be arranged in the follow order:

1. **Call to Order**
2. **Roll Call**
3. **Invocation**
4. **Pledge of Allegiance**
 - Pledge of Allegiance to the American Flag
 - Pledge of Allegiance to the Texas Flag
 (“Honor the Texas Flag; I pledge Allegiance to thee, Texas, one and indivisible”)
5. **Presentations & Proclamations**
6. **Public Comments**
7. **Public Hearings**
8. **Consent Items**
9. **Discussion and Action Items**
 - Resolutions & Ordinances
 - Grants
 - Subdivisions
 - Roads
 - Committee Reports & Recommendations
 - Misc. Items
10. **Workshop Sessions**
11. **Executive Sessions**
12. **Adjournment**

Attached as Attachment B is a sample Agenda that includes each of the above-referenced categories. Any of the foregoing agenda categories may be excluded from an agenda if an item for discussion under that heading has not been requested for placement on the agenda.



Public Comments

As noted above, each Agenda shall include a section titled "Public Comments". It is the intent of the Court to include this portion of the agenda to afford members of the public the opportunity to address the Court on any topic not specifically listed as an agenda item.

Pursuant to the Act, members of the Court are only allowed to respond to comments made by a member of the public in one of two ways. Members of the Court can respond by stating specific factual information or by reciting existing policy. For other rules governing Public Comments please refer to the *Rules of Decorum* previously adopted by the Court.

Specific Agenda Categories

- 1. **Appointments.** Appointments made to Committees or Boards must have documentation listing the appointee's name, address, and telephone number. No appointments will be accepted for the Agenda without proper documentation.
- 2. **Action Items.** All Agenda items will be considered action items unless designated a consent item on the agenda Request Form.
- 3. **Consent Items.** Consent items are considered "**routine and non-controversial.**" (Meaning a customarily performed procedure and nothing with a possible dispute or opposing view.) The County Judge, a Commissioner or a citizen may request that items from the consent agenda be considered separately. Otherwise, the entire consent agenda will be considered for adoption by one motion. The following items will be considered as Consent Items unless designated as an Action Item:

- Commissioners' Court minutes from previous meetings
- Payment of county invoices
- Utility permits
- Budget amendments for line item transfers
- Refund of double payments and/or overpayments on taxes
- Renewal of County contracts
- Solicitation of routine bids and estimates

- 4. **County Contracts.** The County Auditor and Legal Counsel must review all contracts submitted for Commissioners' Court approval. A contract routing form (see Attachment C) signed by the Auditor and Legal Counsel must be submitted along with the proposed contract to the County Judge's Office for inclusion in the agenda packet.

The wording for a contract agenda item should read as follows: "discussion and possible action to authorize the County Judge to execute a contract with _____ related to _____."

- 5. **Budget Amendments.** The County Auditor must review all budgetary amendment items before placement of such items on the Agenda. Purchases requiring court approval must be submitted as a separate item from the budget amendment and must be approved by the County Judge, a Commissioner or the Auditor. Any Budgetary Item that requires discussion will be placed on the Agenda as an Action Item.
- 6. **Public Hearings.** No public hearing will be placed on the agenda unless evidence of the public notification is submitted to the County Judge's office along with the request form. Cost for publishing notices shall be charged to the appropriate department and line item.
- 7. **Executive Sessions.** Agenda items that are legally permissible for closed meetings shall be posted as executive sessions. The applicable provision of the Act that supports the executive session must be included in the wording. All executive sessions must be reviewed by Legal Counsel and approved by the County Judge.

Additional Requirements for Subdivision Items

All subdivision applications must be reviewed by the Environmental Health Department and the Road Department (if necessary) and shall be signed off on by the Precinct Commissioner (sign off must accompany the agenda request form or be timely faxed to the Judge's office). Due to statutory time constraints for the approval of subdivision applications there may be times when the County Judge sponsors an agenda item related to a Subdivision Item.

- 1. **Subdivision Items.** Agenda Request Forms for subdivision items must be accompanied by a signed approval from the respective Commissioner for each reading. Six (6) copies of the plat must accompany the request form.
- 2. **County Clerk's Requirement.** An original tax certificate must be provided when filing a plat with the County Clerk, which indicates that no delinquent ad valorem taxes are owed on the subject property.
- 3. **Variances.** Variances need to be submitted in writing specifying the variance being requested. When platting variances are granted after a deed has already been filed, a survey plat with metes and bounds description are to be submitted to the County Judge at this time along with a recording fee to insure proper recordation.
- 4. **Utility Permits.** Utility companies need to obtain utility permits from the Road Department for use of county right-of-way and copies of the permit must be submitted with the request form.
- 5. **Traffic Regulations, Road Name Designations, County Road Maintenance Acceptance.** Written requests or petitions should be submitted with the agenda request form along with location maps (very important) which can be generated by the 911 / Addressing Department of Environmental Health.



20505

FY 2003 BUDGET WORKSHOP

COLA [T1-2864]

Commissioner Molenaar suggested a 2.5 Cost-of-living [COLA] effective October 1, 2002 – he spoke of 2.5 – 3 % that was budgeted this fiscal year for raises – we are rolling over those funds. Commissioner Ingalsbe spoke of making it clear that the 2.5% increase will be across the board for all employees and elected officials. She asked Bill Herzog if there were some people that need to be separated out of that? Bill Herzog advised that only if you want to consider the supplemental pay for District Judges. He advised that a 2.5% raise = \$515,000 – rollover funds = \$50,000 for merit and \$126,000 left over for upgrades ***A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve a 2.5 Cost-of-Living increase for all employees and elected officials. All present voting "Aye".***

County Auditor Bill Herzog spoke of values being lower than the new improvements – he got this resolved and it changed the valuations. He spoke of change in the effective tax rate – the figure he gave originally did not include property under protest (70% = \$155,000,000) – he has received updated information from CAD. The effective tax rate went up 43.71 cents - the new value is \$5,700,000,000. [T1-3143] Bill Herzog spoke of Sheriff's Dept. budget – he has figured out what equipment he wants and it is less than recommended as lump sum. He took \$10,000 out for the CAD system and put it in one of his equipment line items.

CONSTABLE PCT. 5 [T1-3184]

Constable Pct. 5 Billy Reeves requested a vehicle = \$22,000 which was denied by the County Judge, therefore, the \$5,250 for a radio is not needed.

CONSTABLE PCT. 2

Commissioner Molenaar suggested getting this camera through a grant. ***A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to delete video camera in the amount of \$5,000 in Constable Pct. 2 budget. All present "Aye".***

COMMISSIONER PCT. 1 [T1-3339]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar voted to eliminate aircard in the amount of \$700 from Commissioner Precinct 1 budget. All present voting "Aye"

PERSONAL HEALTH [T1-3398]

Commissioner Molenaar spoke of one-time buys that could be addressed. ***A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to take out \$1500 from Personal Health replacement exam table and replacement scales from the budget and pay for with tobacco settlement funds. All present voting "Aye".***

VEHICLES [T1-3535]

Bill Herzog spoke of replacement truck requested by the County Extension Office. Commissioner Molenaar recommended a lower priced vehicle (standard pickup truck). He also spoke of request from the Road Department for a 4X4 ½ Ton Pickup = \$24,500 – why is this type of vehicle needed? Why are they requesting 2 extended cab pickups. Discussion was had regarding vehicle requests – need to get the Road Department on a rotation schedule. Bill Herzog will obtain pricing for vehicles (standard pickups).

Commissioner Burnett left the meeting at this time due to illness.

JAIL OPERATIONS

Line item #01-419-5451 Contract bldg. mtc. & rep. Bill Herzog spoke of moving some of these funds out into misc. equipment. ***A Motion was made by Commissioner Ingalsbe, seconded by Judge Powers to delete \$5,000 from #01-419-5451 (now at \$25,000). All present voting "Aye".***

Court was adjourned.

MINUTES APPROVED IN OPEN COURT ON THE 27TH 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



AUGUST 27, 2002

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CLERK'S NOTE: A Budget Workshop was scheduled for 10:00 a.m. August 23, 2002. At 10:30 a.m. the County Judge opened the meeting - no other members of the court were present, therefore, he closed the meeting. NO QUORUM PRESENT.