



STATE OF TEXAS 0  
 COUNTY OF HAYS 0

**ON THIS THE 3<sup>rd</sup> DAY OF SEPTEMBER 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>LINDA C. FRITSCH</b>	<b>DEPUTY COUNTY CLERK</b>

**WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:**

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

**PRESENTATION REGARDING WATER AVAILABILITY**

David Welsch (GBRA Director of Project Development) appeared before the court. Todd Votteler was unable to attend today. Mr. Welsch spoke of a "Water Wise Committee" that developed standards so that the moratorium could be released – they looked at sustainability of resources (Trinity Aquifer, Edwards Aquifer, and surface waters which are available in Comal County). They looked at water supply contingency plans, floodplain management, water quality issues such as runoff and impervious cover - they also developed a standard that if someone came in to develop lots, they had to prove that they had water available for those lots – either a surface water supply contract or a water district permit. A Water Availability Study is necessary every 5 years (reasonable standards). He spoke of the Water Resource Management and Stewardship Program – an effort to look at alternatives for development – protects growth and protects resources but it doesn't stymie the person that's creative in trying to accomplish a development still consistent with the goals – it goes less to the standards and more to the goals. Mr. Welsch advised that he can make that booklet available to the court and he offered his assistance. He spoke of Comal County rules – now those that come in and develop property have a burden to show an adequate water supply – a reasonable burden – trying to protect the person buying the lot. Commissioner Burnett spoke of Hays County having already developed water availability rules (in 1999) – our rules were provided to Comal County. Mr. Welsch advised that their goal is to make sure that we have a sustainable water supply. Commissioner Molenaar spoke of alternative water resources that are in the Hays County rules such as rainwater collection methods – the only thing we don't have in our rules, that Comal County has, is requiring a contract that provides a 20 year source. Mr. Welsch stated that he is not here to sell the Comal County rules – he was just responding to the request to tell you about the water availability study – he asked for a copy of the Hays County rules. Commissioner Molenaar spoke of problems in northwest Hays County and he spoke of LCRA water coming in to relieve the burden on the Trinity aquifer. Commissioner Carter spoke of problems in Precinct 2 with water availability – the growth in the Kyle area has created a problem with pumping more than 100% more than it is permitted for from the Barton Springs Aquifer.

**20521 ADOPT PROCLAMATION DECLARING SEPTEMBER AS "FAIR HOUSING MONTH"**

Richard Salmon advised that the this Proclamation has to be adopted by all grant recipients of the Texas Office of Rural Community Affairs who receive either a community development or economic development grants. Hays County Grants Office will have one pending grant application for \$250,000 for Cedar Oaks Mesa and one open project – the Wimberley Mitigation Project. It has not been closed because we are waiting on the final audit by FEMA. Hays County has received over \$4,000,000 from TDHCA/ORCA programs, in the past 9 years. A motion was made by Judge Powers, seconded by Commissioner Burnett to adopt a Proclamation declaring September as "Fair Housing Month". All voting "Aye".

<b>PROCLAMATION</b>
<p><b>STATE OF TEXAS</b>  <b>COUNTY OF HAYS</b></p> <p><b>WHEREAS</b>, the National Fair Housing Law of June 2, 1988, as amended, prohibits discrimination in housing and declares it a national policy to provide, within Constitutional limits, for fair housing in the United States and,</p> <p><b>WHEREAS</b>, the principle of Fair Housing is not only National law and National Policy, but a fundamental human concept and an entitlement of all Americans and,</p> <p><b>WHEREAS</b>, the month of September provides an opportunity for all Americans to recognize that complete success in the goal for equal housing opportunity can only be accomplished with the help and cooperation of all Americans.</p> <p><b>NOW, THEREFORE, BE IT PROCLAIMED</b> by the Commissioners' Court of Hays County, Texas that the month of</p> <p style="text-align: center;"><b>SEPTEMBER Be recognized as <u>FAIR HOUSING MONTH</u> In Hays County</b></p> <p>And do hereby urge all its residents to become aware of and support Fair Housing.</p> <p style="text-align: center;"><b>PROCLAMATION ADOPTED on the 2<sup>nd</sup> day of September, 2002.</b></p>



**20522 APPROVE THE COMMISSIONERS' COURT MINUTES OF AUGUST 22, 26 & 27, 2002**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve the Commissioners' Court Minutes of August 22, 26 & 27, 2002 as presented by the County Clerk. All voting "Aye".

**20523 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Payment of County Invoices in the amount of \$428,099.51 as presented by the County Auditor. All voting "Aye".

P&I	\$1,263.03	Public Safety Svcs	\$ 115.00	Financial Admin	\$ 252,829.26
Fines	\$ 827.49	Auditor's Office	\$ 72.43	Treasurer's Office	\$ 136.15
Extension Office	\$ 1,223.68	Juvenile Prob	\$ 8,344.69	Election Admin	\$ 59.95
Indigent Care	\$ 8,030.72	Transfer Station	\$ 454.04	Bldg. Mtc. Dept.	\$ 12,293.79
Environ Health	\$ 3,004.70	Civic Center	\$ 1,656.60	Countywide Oper	\$ 3,164.34
Tax A/C Office	\$ 50.97	District Clerk's Ofc	\$ 585.90	Sheriff's Office	\$ 5,728.14
Jail Operations	\$ 17,562.22	Co Crt @ Law 1	\$ 143.90	District Atty's Office	\$ 401.16
J.P. 2	\$ 639.70	J.P. 3	\$ 85.73	J.P. 5	\$ 146.77
Dept of Public Safety	\$ 466.59	Constable 1	\$ 680.13	Constable 2	\$ 301.37
Constable 3	\$ 378.26	Constable 4	\$ 103.66	Dist Court Operations	\$ 3,337.04
Co & JP Court Oper	\$ 4,120.73	Precinct 1	\$ 43.89	Precinct 2	\$ 150.00
Precinct 3	\$ 176.51	Computer Svcs	\$ 613.47	DPS/Lic & Wghts	\$ 212.65
Fire Marshal/EMC	\$ 493.23	TJPC CCAP Grant	\$ 882.88	Assoc Judge/Family	\$ 274.16
Special Counsel	\$ 198.00	CJD/Truancy Ofcr	\$ 3,307.60	CAPCO/911 Adrrs Mtc	\$ 654.71
TJPC/Juv Justice Alt Ed	\$ 989.51	LCRA/Fire Marshal	\$ 1,155.04	General Fund Credit	<\$209.89>
Road & Bridge Gen	\$ 78,219.29	County Parks Fund	\$ 270.32	Rec Mng/Co Clerk	\$ 1,569.66
Juvenile Center	\$ 4,017.46	Hays County I & S	\$ 1,309.33	Sheriffs Drug Forf fund	\$ 210.00
Road Bond S.2001 Cnst	\$ 5,353.55				

**20524 APPROVE BUDGET AMENDMENT 02-39**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Budget Amendment No. 02-39 as proposed by the County Auditor. All voting "Aye".

AMENDMENT NO. 2002-39 FY 2002 BUDGET 09-03-02				
FUND NO.01 FUND TITLE GENERAL FUND				
LINE ITEM - EXPENDITURES	APPROPRIATION	AMENDMENT		APPROPRIATION
	BEFORE	INCREASES	DECREASES	AS AMENDED
	AMENDMENT			
<b>DISTRICT ATTORNEY (423):</b>				
01-423-5071 State Longevity	-0-	2,240		2,240
01-423-5311 Travel	1,100	500		1,600
01-423-5321 Dues & Bonds	2,520	25		2,545
01-423-5489 Telephone	11,648	1,000		12,648
01-423-5160 Insurance	68,632		(3,765)	64,867
		<u>3,765</u>	<u>(3,765)</u>	
<i>Budget new Longevity for prosecutors, travel for trial venue change, and needed telephone from personnel savings</i>				
<b>JUVENILE PROBATION (405):</b>				
01-405-5449 Temp Personnel	-0-	2,150		2,150
01-405-5021 Staff	44,846		(1,609)	43,237
01-405-5101 FICA/RET	7,467		(541)	6,926
		<u>2,150</u>	<u>(2,150)</u>	
<i>Budget needed temporary personnel due to turnover from personnel savings</i>				
<b>DISTRICT CLERK (416):</b>				
01-416-5311 Travel	250	230		480
01-416-5473 Copier Lease	7,300	625		7,925
01-416-5160 Insurance	43,607		(855)	42,752
		<u>855</u>	<u>(855)</u>	
<i>Transfer travel for trial venue change and copier from personnel savings</i>				
<b>CONSTABLE, PCT. 3 (433):</b>				
01-433-5235 Law Enf Supply	190	350		540
01-433-5331 Cont Ed	250		(250)	-0-
01-433-5391 Other	100		(100)	-0-
		<u>350</u>	<u>(350)</u>	
<i>Transfer for extinguishers recharge, first aid kit, and ammunition</i>				



				AMENDMENT NO. 2002-39 FY 2002 BUDGET 09-03-02
FUND NO.01 FUND TITLE <u>GENERAL FUND</u>				
<u>LINE ITEM - EXPENDITURES</u>	APPROPRIATION BEFORE	<u>AMENDMENT</u>		APPROPRIATION AS
	<u>AMENDMENT</u>	<u>INCREASES</u>	<u>DECREASES</u>	<u>AMENDED</u>
<b>SHERIFF (418):</b>				
01-418-5362 CID Expense	12,700	2,500		15,200
01-418-5271 Fuel	231,000		(2,500)	228,500
<i>Transfer for sex offender notices and shared City of San Marcos expense from fuel savings</i>				
<b>JAIL OPERATIONS (419):</b>				
01-419-5431 Medical Services	127,000	15,000		142,000
01-419-5451 Contract Building Maint	35,000		(5,000)	30,000
01-419-5160 Insurance	474,804		<u>(10,000)</u>	464,804
		<u>15,000</u>	<u>(15,000)</u>	
<i>Transfer for jail medical from savings</i>				
FUND NO.03 FUND TITLE <u>ROAD &amp; BRIDGE GENERAL FUND</u>				
<b>RIGHT OF WAY (460):</b>				
03-460-5441 ROW Legal	8,500	3,000		11,500
03-460-5386 ROW	164,000		(3,000)	134,000
<i>Transfer for needed Title/Legal fees on ROW transfers</i>				

**20525 APPROVE TITLE CHANGE OF PERSONNEL COORDINATOR TO DIRECTOR OF HUMAN RESOURCES AS DISCUSSED DURING BUDGET WORKSHOP**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Title change of Personnel Coordinator to Director of Human Resources as discussed during Budget Workshop. All voting "Aye".

**20526 APPROVE PAYMENT OF REDWOOD BIOTECH INVOICE IN WHICH NO PURCHASE ORDER WAS OBTAINED**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve payment of Redwood BioTech Invoice in the amount of \$460.00 in which no purchase order was obtained. All voting "Aye".

**29527 APPROVE RENEWAL OF CONTRACT FOR HEALTH SERVICES WITH CENTRAL TEXAS MEDICAL ASSOCIATES (CTMA)**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve renewal of contract for Health Services between the Hays County Health Department and Central Texas Medical Associates Inc. (CTMA). All voting "Aye".

**Clerk's Note: Agenda Item #8** RE: INTER-LOCAL AGREEMENT WITH THE REGIONAL AUTO THEFT ENFORCEMENT TASK FORCE WAS PULLED. NO DISCUSSION AND NO ACTION TAKEN.

**20528 GREEN ACRES RESUBDIVISION OF PART OF LOT 25 [PCT. 3 #02-3-064] \* APPROVE PRELIMINARY PLAT [T1-345]**

Environmental Health Director Allen Walther advised that this is a 2 lot subdivision (access on Eastern Road) and he gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve preliminary plat of "Green Acres Resubdivision of a portion of Lot 25". All voting "Aye".



**20529 NORRIS RANCH ESTATES REPLAT OF LOTS 1 & 2 [PCT. 4 #02-4-059] \* APPROVE FINAL PLAT [T1-366]**

Environmental Health Director Allen Walther advised that this is a reconfiguration of lot lines and no public notification is necessary. He gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Norris Ranch Estates Replat of Lots 1 & 2". All voting "Aye".

**20530 DOUGLAS ESTATES REPLAT OF LOTS D-24 & D-25 [PCT. 4 #02-4-063] \* APPROVE FINAL PLAT [T1-380]**

Environmental Health Director Allen Walther advised that this is a common lot line adjustment that requires no public notification. He gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Douglas Estates Replat of Lots D-24 & D-25". All voting "Aye".

**20531 ADOPT THE EARLY VOTING SCHEDULE FOR THE NOVEMBER 5, 2002 GENERAL ELECTION [T1-392]**

Elections Administrator Joyce Cowan spoke of changes being made: open a new early voting polling site at the LBJ Student Center @ SWTSU (to encourage more student vote) and change voting location in Buda from the City Hall to the Buda Primary School Lower Campus (city hall is under construction). A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to adopt the Early Voting Schedule for the November 5, 2002 General Election as recommended by Elections Administrator. All voting "Aye".

Early Voting - Hays County, Texas for the General Election November 5, 2002	
<b>For Immediate Release:</b>	
<u>Location of Main Early Voting Polling Place</u> <u>Dates and Hours for Early Voting</u>	
County Elections Administrator's Office 401-C Broadway St. San Marcos, Texas 78666-7751	Oct. 21, 22, 23, 24, 25 & 26, 2002, 8:00 AM to 5:00 PM October 28, 29, 30, 31 and November 1, 2002, 7:00 A.M. to 7:00 P.M.
<b>Temporary Branches for Early Voting</b>	
<u>Location of Temporary Branch Early Voting Polling Places</u>	<u>Dates and Hours for Early Voting</u>
Kyle City Hall 101 South Burleson St. Kyle, Texas 78640	Oct. 21, 2002, 11:00 A.M. to 7:00 P.M. Oct. 28, 2002, 11:00 A.M. to 7:00 P.M.
Dripping Springs City Hall 550 Hwy 290 West Dripping Springs, Texas 78620	Oct. 22, 2002, 11:00 A.M. to 7:00 P.M. Oct. 29, 2002, 11:00 A.M. to 7:00 P.M.
LBJ Student Center 700 Student Center Dr San Marcos, Texas 78666	Oct. 29, 2002, 8:00 A.M. to 5:00 P.M. Oct. 30, 2002, 8:00 A.M. to 5:00 P.M.
Wimberley ISD Administration Office 14401 Ranch Rd. 12 Wimberley, Texas 78676	Oct. 24, 2002, 11:00 A.M. to 7:00 P.M. Oct. 31, 2002, 11:00 A.M. to 7:00 P.M.
Buda Primary School (Lower Campus) 400 FM 967 Buda, Texas 78610	Oct. 25, 2002, 11:00 A.M. to 7:00 P.M. Nov. 1, 2002, 11:00 A.M. to 7:00 P.M.
<b>Any voter who is entitled to vote an early ballot by personal appearance may do so at the Main Early Voting Site or any Temporary Branch site.</b>	
<u>Address for Applications for Early Voting by Mail</u>	
Hays County Elections Administrator P. O. Box 907 San Marcos, Texas 78667-0907 Attention: Early Voting Clerk	



**20532 APPOINT AN EMPLOYEE GRIEVANCE COMMITTEE PURSUANT TO SECTION 3.23 OF THE HAYS COUNTY PERSONNEL POLICY TO SERVE FOR THE REMAINDER OF 2002** [T1-446]

Director of Human Resources Luis Gonzales spoke of need for an Employee Grievance Committee (pursuant to the county personnel policy) – he provided a recommendation for members. This Committee addresses grievances regarding personnel policy. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to appoint CCL Judge Linda Rodriguez, Steve Floyd, Liz Gonzalez, Yolanda Montemayor, and Richard Salmon to the Employee Grievance Committee pursuant to Section 3.23 of the Hays County Personnel Policy to serve for the remainder of calendar year 2002. All voting “Aye”.

**20533 AUTHORIZE A CELL PHONE FOR NEW DPS TROOPER** [T1-513]

Sgt. Darryl Jiral requested authorization for a Nextel phone for a position that has been vacant and is now being filled effective September 1, 2002. This phone is needed for communications with Sheriff's office, Deputies, and Troopers for accident scenes, criminal arrests, manhunts, and disaster situations. No additional funds are needed. A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize a Nextel cell phone for new DPS Trooper. All voting “Aye”.

**DISCUSSION REGARDING CONTRACT WITH STOKES CONSTRUCTION FOR THE CONSTRUCTION OF THE JP-5 OFFICE ADDITION AND ROAD DEPARTMENT SHOP/OFFICE BUILDING** [T1-540]

County Auditor Bill Herzog advised that the bid has been awarded. Special Counsel Jacqueline Cullom Murphy advised that contract approval is needed. Commissioner Ingalsbe spoke of plumbing contractor needing to be a commercial plumber. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to authorize the County Judge to execute a contract with Stokes Construction for the construction of the JP-5 office addition and Road Department shop/office building. Discussion was had regarding changing the contract to meet the county's need. Road Supt/Engineer Jerry Borcharding spoke of specs requiring that all work be done by skilled craftsmen – he spoke of problems with health department building construction – we can be diligent to make sure that those type problems don't happen at these sites. Commissioner Ingalsbe withdrew her motion and Commissioner Burnett withdrew his second. Jacqueline Cullom Murphy spoke of objective being to tighten up the language in the contract regarding the sewer situation and get an update on the Health Clinic. She and Commissioner Ingalsbe will meet with Randy Fromberg to get his guidance on it. Bid was awarded for this project before we were aware of the problems at the Health Clinic.

**20534 ACTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT REQUEST TO THE TEXAS COMMUNITY DEVELOPMENT FUND FOR UP TO \$250,000 FOR A WATER IMPROVEMENT PROJECT AT CEDAR OAKS MESA AND TO EXECUTE CONTRACT** [T1-714]

Grants Administrator Richard Salmon advised that this grant application will be submitted to the Office of Rural Community Affairs (ORCA), which was formally called the Texas Dept. of Housing & Community Affairs. Grant and matching funds will be used to carry out a water improvement project for Cedar Oaks Mesa Subdivision near Wimberley. In 2001 Cedar Oaks Mesa was approved for a \$250,000 grant to drill a well, build a storage tank and install water lines. This grant and matching funds will be used to install distribution lines for the subdivision. The ORCA Community Development Grant Program requires a 5% match, however, the residents of Cedar Oaks Mesa will be providing \$25,000 to Hays County for a 10% match. They provided a \$25,000 match for the first grant and he commends them for helping themselves and taking the initiative to double the match required. This has been one of the best groups he has worked with in the 9 years he has been with the county. They always do whatever they say they are going to do and it is a pleasure to work with them. Grants Auditor Lamarr Petersen spoke in support of this grant and he spoke of cooperation by this group. Don Connally (Oak Mesa resident) spoke of upgrade to their water system – he thanked the court for their assistance. A motion was made by Commissioner Burnett, seconded by Judge Powers to authorize the County Judge to submit a grant request to the Texas Community Development Fund for up to \$250,000 for a water improvement project at Cedar Oaks Mesa and to execute a contract. All voting “Aye”.

**20535 APPROVE A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS JUDICIAL COUNCIL – TASK FORCE ON INDIGENT DEFENSE FOR UP TO \$43,985** [T1-802]

Grants Administrator Richard Salmon advised that under provisions of the Fair Defense Act. 77<sup>th</sup> Regular Session, some counties are eligible to receive financial assistance from the Task Force on Indigent Defense. Based on calculated completed in conjunction with the auditor's office it appears Hays County is eligible for \$43,985. If some of the other counties do not apply or are not eligible, then we could get more. No county match is required. A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to approve the resolution authorizing the County Judge to submit a grant application to the Texas Judicial Council – Task Force on Indigent Defense for up to \$43,985.00. All voting “Aye”.



**20536 REVISE THE HAYS COUNTY SUBDIVISION REVIEW FEE SCHEDULE [T1-827]**

Commissioner Ingalsbe advised that this is an item that was discussed in budget workshop and it was mentioned that this price increase is reasonable. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to revise the Hays County Subdivision Review Fee Schedule by increasing the "per lot" review fee from \$15 per lot to \$50 per lot effective September 3, 2002. All voting "Aye".

**DISCUSSION CONCERNING THE CONTRACT WITH JOHN DAHILL FOR LEGAL ASSISTANCE ON WASTEWATER OPERATIONS AND UTILITY CONNECTIONS SUBDIVISION ORDERS AND RULE CHANGES [T1-847]**

Commissioner Carter read from the minutes of July 30, 2002 where the court authorized a contract for legal assistance from Attorney John Dahill. She stated that the contract he wrote was written upon his oral communications with the courthouse - he did not understand what our motion was fully and he did not address it fully. She spoke of contract approval being on the consent agenda - contracts need to be in the action portion of the agenda. Commissioner Carter advised that John Dahill did not get an engagement letter and he did not get all the backup material he needed.

**Court was adjourned.**

**MINUTES APPROVED IN OPEN COURT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002**

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

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

