



STATE OF TEXAS 0
 COUNTY OF HAYS 0

ON THIS THE 3rd DAY OF DECEMBER 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 Burnett led the Court in the Pledge of Allegiance to the Flags. Commissioner Carter was not present at the beginning of the meeting.

20711 APPROVE THE COMMISSIONERS' COURT MINUTES OF NOVEMBER 26, 2002

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

20712 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve the payment of county invoices in the amount of \$604,490.95 as presented by the County Auditor. All present voting "Aye".

Sales Tax Overpmt	\$ 31,125.65	Public Safety Svcs	\$ 63.60	Fines	\$ 60.00
TDHCA Funds Passthru	\$ 4,408.35	Auditors Office	\$ 133.19	Extension Office	\$ 457.20
Juvenile Probation Ofc	\$ 233.46	Election Admin Ofc	\$ 4,302.50	Comm & Soc Svcs	\$ 3,375.00
Indigent Care	\$ 31,410.43	Transfer Station	\$ 4,212.00	Bldg Mtc Dept	\$ 4,882.61
Environ Health	\$ 209.16	Countywide Oper	\$ 40,334.14	Tax A/C	\$ 12,604.17
District Clerk's Ofc	\$ 238.41	Sheriffs Office	\$ 164,538.67	Jail Operations	\$ 28,628.90
County Judges Office	\$ 258.19	Human Resources	\$ 263.00	District Attorney's Ofc	\$ 2,567.00
J.P. 1-2	\$ 23.70	J.P. 3	\$ 101.35	J.P. 5	\$ 257.84
DPS	\$ 98.50	Constable 1	\$ 52.37	Constable 5	\$ 817.98
District Court Operations	\$ 4,694.16	Co & JP Court Oper	\$ 2,045.82	Precinct 1	\$ 735.79
Precinct 2	\$ 185.67	Precinct 4	\$ 785.26	Veterans Admin	\$ 558.69
Computer Services	\$ 39,898.87	DPS/Lic & Wgts	\$ 542.92	Fire Marshal/EMC	\$ 65.50
District Court Reporters	\$ 61.21	TJPC CCAP Grant	\$ 626.10	Assoc Judge/Family	\$ 5.11
CJD/VOCA Grant	\$ 24.00	CJD/VAWA Grant	\$ 282.78	Juvenile Justice Alt Ed	\$ 213.27
Johnson/Heritage Visit Ctr	\$ 792.72	General Fund Credit	<\$26.59>	R&B General	\$ 151,617.85
Hays Co Parks Fund	\$ 551.26	Health Svcs Grants	\$ 5,048.62	Hays Co Juvenile Ctr	\$ 26,886.26
Sheriffs Bond Forf Fund	\$ 166.00	Family Health Svcs	\$ 3,245.53	Road Bond S.2001	\$ 29,252.35
DOJ/Equip & Tech 2002	\$ 574.43				

20713 APPROVE BUDGET AMENDMENT 02-45

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Budget Amendment No. 02-45 as proposed by the County Auditor. All present voting "Aye". [end of year FY02 adjustments]

20714 APPROVE REFUND OF OVERPAYMENT ON TAXES

An overpayment of \$501.72 was made on Lot 13 Thousand Oaks. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve refund of overpayment of taxes in the amount of \$501.72 on Lot 13 Thousand Oaks as submitted by the County Tax Assessor Collector. All present voting "Aye".

20715 APPROVE PAYMENT OF LODGING EXPENSES INCURRED BY HEALTH DEPARTMENT STAFF FROM 11-19-2002 THRU 11-21-2002 AT ANNUAL IMMUNIZATION CONFERENCE HELD IN AUSTIN, TX

Personal Health Director Gay Helmly spoke of 3 day conference her and staff attended in Austin. Lodging expenses are budgeted in the grant and she requested approval for payment of those expenses (\$228.90). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve payment of lodging expenses incurred by Health Department staff from Nov. 19, 2002 – Nov. 21, 2002 at the annual Immunization Conference held in Austin, Texas. All present voting "Aye".



20716 AUTHORIZE AN AMOUNT NOT TO EXCEED \$1000 FOR ADULT PROBATION TO CLEAN/REPLACE FIRE DAMAGED EQUIPMENT IN WIMBERLEY OFFICE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize an amount not to exceed \$1,000 for Adult Probation to clean/replace fire damaged equipment in their Wimberley office. All present voting "Aye".

Clerk's Note: Commissioner Carter came to the meeting at this time.

PRESENTATION BY JEFF BARTON (DOUCET & ASSOCIATES) RELATING TO LAND USE REGULATORY AUTHORITY OF COUNTIES INCLUDING A PRESENTATION RELATING TO SENATE BILL 873 AND ANY PROPOSED LEGISLATION TO BE PRESENTED DURING THE UPCOMING LEGISLATIVE SESSION [T1-70]

Jeff Barton (Doucet & Associates Inc.) spoke of presentations they have given relating to Senate Bill 873 and proposed legislation. He advised that Hays County rules go farther than other counties but were limited by existing laws – changes were made in the 2000 & 2001 Legislative sessions that gave counties more authority. He spoke of laws that clarified county authority –SB873 applies to large counties and their adjacent counties which would include Bastrop, Caldwell, Hays & Williamson counties which are adjacent to Travis County. SB873 has specific limitations (no zoning allowed, no restrictions on size of buildings and number of residential units on one acre). Counties have the same authority as Cities ETJ authority. Jeff Barton spoke of authority before SB873, clarified or expanded authority, for the bold with SB873 and beyond the pale. He spoke of healthful, orderly and moral development issues which are a significant change (land use authority). He spoke of developer contracts – clarifies authority and lays out parameters to go by – does not allow you very easily to require a developer to participate but allows incentives. He spoke of HB140 that would supercede SB873 and would give counties more authority to regulate. Jeff Barton spoke of their being no case law at this time and he spoke of additional laws that affect cities that give them more authority. Commissioner Molenaar spoke of additional authority given requires expertise of attorneys and others – you cannot arbitrarily make rules.

PROCLAMATION HONORING THE WIMBERLEY HIGH SCHOOL GIRLS VOLLEYBALL TEAM ON WINNING ANOTHER STATE CHAMPIONSHIP [T1-1010]

Commissioner Burnett commended the girls and their coach and presented them with a Proclamation honoring the Wimberley High School Girls Volleyball Team on winning another (the 3rd) State Championship.

PROCLAMATION RECOGNIZING THE WIMBERLEY HIGH SCHOOL GIRLS VOLLEYBALL TEAM ON WINNING THE STATE 3-A CHAMPIONSHIP

***WHEREAS,** the Lady Texans through their continued hard work and determination successfully defended their state title; and*

***WHEREAS,** the Lady Texans with the guidance of Head Coach Lee Grisham have continued a wonderful tradition for Wimberley High School; and*

***WHEREAS,** these athletes have put forth so much effort with the many hours of practice and the number of games they played through out the year to bring home a record of 38 wins and only 2 loses and another state title; and*

***WHEREAS,** the 2002 Lady Texan Volleyball Team have won the State 3-A Volleyball Title for the third time in four years; now therefore be it*

***PROCLAIMED,** that the HAYS COUNTY COMMISSIONERS' COURT, does hereby present, the 2002 Class 3-A State Lady Texan Volleyball Team, on behalf of all the citizens of Hays County, this proclamation of Congratulations.*

***WITNESS OUR HANDS SET HERE UNTO** as evidenced by our signatures affixed hereto this the 3rd day of December 2002*



20717 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE TEXAS DEPARTMENT OF PROTECTIVE SERVICES ON BEHALF OF THE HAYS COUNTY CHILD WELFARE BOARD [T1-1077]

Mary Cauble (member of Hays Co Child Welfare Board) spoke of creation of the child welfare board (established in early 1970's) – their mission is to educate the public about child abuse and neglect and the need for foster and adoptive care - they try to address needed expenses – county money is used to provide clothing vouchers for children in conservatorship and they provide for medical expenses not covered by medicare. Sheila Brockington (contract manager) spoke of contract expiring in August 2002 and she asked that a new contract be signed to allow services to continue. Mrs. Cauble spoke of additional funds they raise and some children that are served out-of-county by those donations – Hays County funds go only for Hays County Children. A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an agreement with the Texas Department of Protective Services on behalf of the Hays County Child Welfare Board. All voting "Aye".

20718 ADOPT A RESOLUTION REGARDING THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) BOUNDARY EXPANSION TO POSSIBLY INCLUDE ALL OF HAYS COUNTY [T1-1186]

Commissioner Burnett spoke of CAMPO going through a process every 10 years (after the federal census) of reconsidering their boundaries – they are considering expanding their boundaries which may include all of Hays County. He spoke of including our transportation plan/road bond projects. Commissioner Carter spoke of City of Austin and Travis County being the heavy-weights in this organization. Commissioner Burnett spoke of not supporting "weighted voting system" and the expansion will address the voting process. He feels like the board will vote on the boundaries first. If our projects are not included in the CAMPO plan, the Transportation Commission may not put much weight in our funding requests. Commissioner Molenaar asked that the resolution include wording that any city with over 25,000 population have a representative on the board, plus he would like two members from the commissioners' court on the board. Robert Staluka, former mayor of city of Round Rock and former member of the CAMPO board spoke of composition of the board being determined by the executive committee and the by-laws - you are dealing with 2 issues: expanding the boundaries and how the board is made up and each will be taken up as separate issues by the board. CAMPO is unique in that it has all the state legislators on the board – the projects considered by CAMPO are only those that qualify for federal funding – you would continue to go individually before TxDot for request for funding for projects not included on the CAMPO plan. Commissioner Burnett spoke of adding wording to the resolution: "this expansion would allow the membership of the board to be changed and the Hays County Commissioners' Court desires to maintain a non-weighted voting system". [T1- 1902] A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to adopt Resolution supporting the expansion of the CAMPO area to include all of Hays County as long as all of the Hays County bond package projects can fit within the CAMPO fiscally constrained plan and that the CAMPO PAC adopt the Hays County transportation plan in total; and approve changes to wording discussed this date. All voting "Aye".

RESOLUTON NO. 20718

STATE OF TEXAS §
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COUNTY OF HAYS §

WHEREAS, the Capital Area Metropolitan Planning Organization (CAMPO) is considering expansion of their area to include all of Hays and all of Williamson Counties, and

WHEREAS, Hays County is interested in working with CAMPO on regional transportation planning and implementation, and

WHEREAS, Hays County feels it is important to include representatives from all cities with a population of 25,000 or more, and

WHEREAS, this expansion would allow the membership of the board to be changed and the Hays County Commissioners' Court desires to maintain a non-weighted voting system.

NOW THEREFORE, BE IT RESOLVED that the Hays County Commissioners' Court supports the expansion of the CAMPO area to include all of Hays County as long as all of the Hays County bond package projects can fit within the Campo fiscally constrained plan and that the CAMPO PAC adopt the Hays County transportation plan in total.

ADOPTED on this the 3rd day of DECEMBER, 2002.



20719 AUTHORIZE THE EXPENDITURE OF RECORDS PRESERVATION FUNDS FOR DISTRICT CLERK RECORDS PRESERVATION [T1-1930]

District Clerk Cecelia Adair requested authorization to expend a portion of funds already budgeted for FY2003 from the Records Preservation Fund (09-44-5215) not to exceed an estimated total of \$15,000.00 to convert old paper files to CD's and microfilm. These records are required to be kept permanently and silver microfilm will be created for permanent off-site storage and CD's for in office storage and retrieval purposes. County Auditor Bill Herzog spoke of amount of funds available (\$98,000) – other departments are also entitled to these funds. A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize the expenditure of Records Preservation Funds for District Clerk records preservation not to exceed \$15,000.00. All voting "Aye".

Clerk's Note: Agenda Item #16 Re: MR. DONALD DACY AND MR. DOUGLAS DACY'S PROPOSAL TO CEDE TO HAYS COUNTY A FIFTEEN FOOT RIGHT OF WAY ON THE SOUTH SIDE OF SMITH LANE FOR CERTAIN CONSIDERATIONS was PULLED – no discussion and no action taken.

INSTRUCT LEGAL COUNSEL TO DRAFT AN INTERLOCAL AGREEMENT WITH CALDWELL COUNTY FOR THE REIMBURSEMENT OF COST FOR RECONSTRUCTION OF CR 266 BETWEEN HWY 80 AND THE SAN MARCOS RIVER

[T1-1970] Commissioner Ingalsbe spoke of her understanding that Caldwell County maintained the section of road from Hwy 80 to the river – we are trying to get the roadway in a good and safe condition. She spoke of sharing the cost for maintaining the roadway. Commissioner Ingalsbe spoke to one of the Caldwell County Commissioners and they did not budget for their half of the improvements this fiscal year. She suggested an interlocal agreement. This agreement will be brought back to the county for approval before sending it to Caldwell County. The Court instructed special counsel to develop the agreement and bring it to the court for consideration.

20720 ACTION OFFERING THE CITY OF SAN MARCOS COUNTY FUNDS FOR CLOVIS BARKER ROAD RECONSTRUCTION PROJECT [T1-2114]

Commissioner Ingalsbe spoke of county's portion of Clovis Barker Road. The construction cost of roadway and drainage improvements for the 1847 feet of the project in Hays County is \$617,336.50 - the property/easement cost for the properties along this section is \$57,339.99 – this makes the total Hays County cost share \$674,676.49. San Marcos City Manager Dan O'Leary spoke of this project – it would create a 5 lane industrial road which they feel would benefit the county and the city. They would like for the county to participate and they are willing to work out an agreement so that the county could payout their portion of the expense over a period of time. County Road Supt/Engineer Jerry Borcharding spoke of estimates for building our 850' portion of the road to county standards. Mr. O'Leary spoke of annexation laws changing – you must be on a 3 year list before annexation can occur unless the property owners request annexation. Commissioner Molenaar spoke of need to work out an agreement (cost share agreement) – he feels like there is a need. Mr. O'Leary spoke of having a bid on the table at this time, therefore, a decision is needed shortly – next Monday he will make a recommendation to the City Council and he would like some indication from the county whether they would like to participate in the project. Jerry Borcharding stated that we could commit \$150,000 to this project this year and the court needs to decide if additional funding will be committed in the future. Commissioner Molenaar spoke of revenue that could be generated. Judge Powers felt like other cities will come to us for similar projects if we approve this one. [T1-2588] A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to offer the City of San Marcos \$150,000 from FY02-03 budget out of Precinct 1 projects for Clovis Barker Road reconstruction and \$150,000 next fiscal year with stipulation that the City of San Marcos maintain the roadway until annexed. All voting "Aye".

Judge Powers and Commissioner Carter left the meeting at this time. Commissioner Molenaar presided over the meeting at this time.

WORKSHOP ON THE CLEAN AIR COALITION AND THE EARLY ACTION COMPACT INCLUDING A PRESENTATION BY MR. BILL GILL OF CAPCO

Bill Gill (CAPCO) spoke of the "Early Action Compact (EAC)" spoke of process to be followed. He spoke of pollutants, air quality standards, and monitor readings [taken in Travis County]. The EAC allows cities to take actions to deal with air quality problems. A resolution is needed next week.

20721 GREEN ACRES RESUBDIVISION OF 4.84 ACRE PORTION OF LOT 25 [PCT 3 #02-4-064] * PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-3334]

Commissioner Molenaar declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Green Acres Resubdivision of 4.84 acre portion of Lot 25". All present voting "Aye".

**20722 RED HAWK RANCH** [PCT 3/4 #02-3/4-089] * **APPROVE FINAL PLAT** [T1-3374]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat of "Red Hawk Ranch". All present voting "Aye".

20723 BELTERRA PHASE 2 SECTION 3B [PCT 4 #02-4-084] * **APPROVE FINAL PLAT** [T1-3384]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Belterra Phase 2 Section 3B". All present voting "Aye".

20724 KIRBY SPRINGS PHASE 2 REPLAT OF LOT 26 [PCT 4 #02-4-090] * **PUBLIC HEARING AND APPROVAL OF FINAL PLAT** [T1-3400]

Commissioner Molenaar declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Kirby Springs Phase 2 Replat of Lot 26". All present voting "Aye".

20725 KIRBY SPRINGS PHASE 2 REPLAT OF LOT 32 [PCT 4 #02-4-067] * **APPROVE PRELIMINARY PLAT** [T1-3421]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plat of "Kirby Springs Phase 2 Replat of Lot 32". All present voting "Aye".

20726 DRIFTWOOD FIREHOUSE [PCT 4 #02-4-093] * **WAIVE PLATTING FEES AND APPROVE PRELIMINARY PLAT** [T1-3441]

Environmental Health Director Allen Walther advised that this property will be used by Driftwood Fire Dept. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plat of "Driftwood Firehouse" and waive the platting fees. All present voting "Aye".

COURT WAS ADJOURNED.

MINUTES APPROVED IN OPEN COURT ON THE 10TH DAY OF DECEMBER, 2002

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

LEE CARLISLE, COUNTY CLERK
H A Y S COUNTY, TEXAS

