



STATE OF TEXAS 0  
 COUNTY OF HAYS 0

ON THIS THE 10<sup>TH</sup> DAY OF DECEMBER 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>WILLIAM "BILL" BURNETT</b>	<b>COMMISSIONER, PCT. 3</b>
<b>LINDA C. FRITSCHÉ</b>	<b>DEPUTY COUNTY CLERK</b>

WITH THE FOLLOWING MEMBERS ABSENT: COMMISSIONER PCT. 2 H. S. "SUSIE" CARTER, AND COMMISSIONER PCT. 4 RUSS G. MOLENAAR; WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

**PRESENTATION OF HAYS COUNTY SERVICE AWARD**

Maintenance Supervisor Ron Knott presented a 5 year service pin to Thomas Cruz.

**NEW EMPLOYEE INTRODUCTIONS**

Maintenance Supervisor Ron Knott introduced new employees Daniel Grimes and Johnny Padron. Chief Deputy County Clerk Linda Fritsche introduced new employee Becky Hall. Chief Juvenile Probation Officer Ed Cooper introduced new employee Jesse Selvera. Tax Assessor-Collector Luanne Caraway introduced new employee Debra Hillburn.

**PUBLIC COMMENT**

[T1-74] District Judge Gary Steele requested that when O'Reilly's vacates the Justice Center building that the county create courtroom space for District Court. He spoke of number of defendants awaiting trials and expense for housing them until that time. He spoke of number of courts (6) operating out of one courtroom. He spoke of legal problems we are running into because of delay in trying cases. Asking for one courtroom that will sit 100 people. Special Counsel Jacqueline Cullom Murphy spoke of O'Reilly's already being released from their lease – there new building is almost completed.

[T1-208] Jim Green spoke of executive session posted regarding (#16) – he spoke of court being adamant about adding no new positions to the budget - he asked the court to not create a new park director/natural resource director position – he encouraged the court to do this on a contract basis.

**20727 APPROVE THE COMMISSIONERS' COURT MINUTES OF DECEMBER 3, 2002**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve the Commissioners' Court Minutes of December 3, 2002 as presented by the County Clerk. All present voting "Aye".

**20728 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve payment of county invoices in the amount of \$639,103.18 as presented by the County Auditor. All present voting "Aye".

Public Safety Svcs	\$ 519.27	Fines	\$ 115.45	TDHCA Funds	\$ 184.77
Auditor's Office	\$ 28.50	Treasurer's Office	\$ 769.90	Juvenile Probation	\$ 893.50
Transfer Station	\$ 281.00	Bldg Mtc. Dept.	\$ 4,508.06	Environ Health	\$ 1,431.67
Civic Center	\$ 24.97	Countywide Oper	\$ 269,899.68	Tax A/C Office	\$ 789.64
Sheriff's Office	\$ 1,069.37	Jail Operating	\$ 558.51	County Judge's Ofc	\$ 137.00
Human Resources	\$ 537.24	Co Court at Law 1	\$ 115.00	District Atty's Ofc	\$ 2,605.62
J.P. 2	\$ 225.17	J.P. 4	\$ 81.79	Constable 1	\$ 485.42
Constable 2	\$ 355.54	Constable 3	\$ 206.74	Constable 4	\$ 223/28
Constable 5	\$ 566.99	District Crt Oper	\$ 5,268.75	Co & JP Cr Oper	\$ 460.37
Precinct 2	\$ 225.33	Veterans Admin	\$ 247.83	Computer Services	\$ 32,234.22
TJPC Salaries Grant	\$ 2,495.00	DPS/Lic & Wgts	\$ 163.34	Spec Counsel Ofc	\$ 84.84
CJD/VAWA Grant	\$ 118.50	911 Addrs Mtc Grant	\$ 3,979.00	Juv Justice Alt Ed	\$ 54.72
General Fund Credit	<\$60.68>	R&B Operations	\$ 58,365.96	Right of Way	\$ 3,255.00
R&B Gen Fund Credit	<\$16.81>	Hays Co Parks fund	\$ 90.16	Rec Mng/Co Clerk	\$ 1,645.98
Juvenile Center	\$ 9,226.70	Med/Dental Insurance	\$ 110,721.56	Sheriffs Drug Forf	\$ 83.40
Family Health Svcs	\$ 275.63	Rd Bond S.2001	\$ 123,484.59		



**20729 APPROVE BUDGET AMENDMENT 03-05**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve Budget Amendment No. 03-05 as proposed by the County Auditor. All present voting "Aye".

				AMENDMENT NO. <u>2003-05</u> FY 2003 BUDGET 12-10-02
FUND NO. <u>01</u>				
FUND TITLE <u>GENERAL FUND</u>				
<u>LINE ITEM - EXPENDITURES</u>	<u>APPROPRIATION BEFORE AMENDMENT</u>	<u>AMENDMENT INCREASES DECREASES</u>		<u>APPROPRIATION AS AMENDED</u>
<b>GRANTS (404):</b>				
01-404-5331 Cont Ed	250	27		277
01-404-5461 Printing	-0-	300		300
01-404-5211 Office Supply	2,700		(327)	2,373
<i>Transfer for forms printing and balance of seminar</i>				
<b>SHERIFF'S OFFICE (418):</b>				
01-418-5719 Misc Equipment	3,450	400		3,850
01-418-5717 Law Enf Equipment	57,490		(400)	57,090
<i>Authorize and transfer for fuel tank pressure tester for auto shop from balance of grant match budget unused</i>				
<b>COMPUTER SERVICES (456):</b>				
01-456-5718 Software	6,100	436		6,536
01-456-5221 Data Supplies	8,330		(436)	7,894
<i>Transfer for balance of software purchases needed</i>				
FUND NO. <u>03</u>				
FUND TITLE <u>ROAD &amp; BRIDGE GENERAL FUND</u>				
<b>ROAD &amp; BRIDGE OPERATIONS (438):</b>				
03-438-5447 TxDot Contract/FM 1826	-0-	204,360		204,360
<b>REVENUE:</b>		<b>DECREASE:</b>		<b>INCREASE:</b>
03-367-3674 Private Contributions	-0-		204,360	204,360
<i>Budget authorized Rim Rock Subdivision received per contract</i>				

**20730 APPROVE UTILITY PERMITS**

The Road Department submitted the following Utility Permits for approval:

UTILITY PERMIT #	ROAD #/NAME	UTILITY COMPANY
01620	CR205/Dacy Lane	Cuatro Consultants Ltd.
01621	CR129/Cotton Gin Road	GTE-Wimberley
01622	CR131/Windy Hill Road	Time Warner Cable
01624	CR187/McGregor & Farrell	Dripping Springs Water Supply

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve Utility Permit #01620, #01621, #01622, and #01624 as submitted by the Road Department. All present voting "Aye".

**20731 APPROVE THE CANCELLATION OF COMMISSIONERS' COURT ON DECEMBER 24, 2002 AND DECEMBER 31, 2002**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve the cancellation of Commissioners' court on December 24, 2002 and December 31, 2002. All present voting "Aye".

**20732 OAK FOREST SECTION 2 REPLAT OF LOTS 23 & 24 BLOCK A [PCT 2 #02-2-068] \*  
WAIVE PUBLIC HEARING AND APPROVE FINAL PLAT [T1-264]**

Environmental Health Director Allen Walther advised that this replat involves modification to a common lot line, therefore, staff recommends waiving the public hearing. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to waive public hearing and approve final plat of "Oak Forest Section 2 Replat of Lots 23 & 24 Block A". All present voting "Aye".



**20733 DRIFTWOOD FIREHOUSE [PCT 4 #02-4-093] \* APPROVE FINAL PLAT [T1-278]**

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

**20734 ROLLING OAKS RANCH SECTION 1 REPLAT OF A PORTION OF LOT 32 [PCT 4 #02-4-095] \* APPROVE PRELIMINARY PLAT [T1-285]**

Environmental Health Director Allen Walther spoke of creation of 2 lots – structures already exist on them. He gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve preliminary plat of "Rolling Oaks Ranch Section 1 Replat of a portion of Lot 32". All present voting "Aye".

**20735 ELLIOTT RANCH SECTION 3 [PCT 2 #00-2-125] \* RELEASE OF CONSTRUCTION FISCAL SECURITY AND ACCEPT COMPLETION OF CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS [T1-297]**

Environmental Health Director Allen Walther gave staff recommendation for release of construction fiscal security and acceptance of completion of road construction and drainage improvements. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to accept completion of road construction and drainage improvements and release construction fiscal security for "Elliott Ranch Section 3". All present voting "Aye".

**20736 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR UP TO \$29,530 TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, JUVENILE ACCOUNTABILITY INCENTIVE GRANT PROGRAM AND TO EXECUTE THE CONTRACT IF APPROVED [T1-307]**

Richard Salmon advised that the grant application will be made to the Office of the Governor – Criminal Justice Division – Juvenile Accountability Incentive Block Program. Grant and matching funds will be used by the Hays County Juvenile Probation to continue to pay the salary and benefits of the 2<sup>nd</sup> drill instructor for the "Day Boot Camp" at the Hays Consolidated ISD. The County is allocated \$17,912 from the state and the City of San Marcos is allocated \$11,618 for a total of \$29,530. The City of San Marcos has elected not to apply for the grant and waives their funds to the county. The county "Day Boot Camp" program has been highly successful. A year 2002 performance review and audit conducted by the state gave the program high marks. Chief Juvenile Probation Officer Ed Cooper advised that this is a very successful program and the school districts are supportive. This program serves the City of San Marcos because it serves all the school districts in the county. A motion was made by Commissioner Burnett to authorize the County Judge to submit a grant application for up to \$29,530 to the Office of the Governor, Criminal Justice Division, Juvenile Accountability Incentive Grant Program and to execute the contract. All present voting "Aye".

**20737 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF BUDA FOR SUBDIVISION REGULATION WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF BUDA [T1-363]**

This interlocal agreement authorizes the City of Buda to be the sole regulatory entity for subdivision regulations and plat approval within their ETJ. It complies with all county requests concerning plat review. Environmental Health Director Allen Walther spoke of working with city staff of Buda and they have agreed to all provisions of the agreement (Option 1). He advised that we have provided draft agreements with all the cities in the county – may necessitate revisions to their rules – he has met with people from the other cities. Discussion was had regarding county maintenance of roads that have been built to city standards (hot mix roads). A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to authorize the County Judge to execute an Interlocal Cooperation Agreement between Hays County and the City of Buda for subdivision regulation within the extraterritorial jurisdiction of the City of Buda. All present voting "Aye".

**20738 ADOPT A RESOLUTION THAT AUTHORIZES THE COUNTY JUDGE TO ENTER INTO A MEMORANDUM OF AGREEMENT FOR THE AUSTIN/SAN MARCOS MSA EARLY ACTION COMPACT TO FACILITATE ATTAINMENT OF THE 8-HOUR OZONE STANDARD BY 2007 [T1-482]**

Bill Gill (CAPCO) appeared regarding voluntary agreement emphasizing local control – if we don't do a plan, the EPA & TCEQ will do one for you. The early action plan has not been used anywhere else in the country. He spoke of the Clean Air Coalition being the board for this – there are local government staff people who are known as the "Clean Air Action Force" that will be working with the Clean Air Coalition. A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to adopt a Resolution that authorizes the County Judge to enter into a Memorandum of Agreement for the Austin/San Marcos MSA Early Action Compact to facilitate attainment of the 8-hour Ozone Standard by 2007. All present voting "Aye".



**A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO ENTER INTO A  
MEMORANDUM OF AGREEMENT FOR THE AUSTIN/SAN MARCOS MSA  
EARLY ACTION COMPACT**

**WHEREAS,** Hays County is committed to protecting the health and economic vitality of the community; and

**WHEREAS,** Hays County is, with other communities in the region, examining a variety of measures to improve the area's air quality; and

**WHEREAS,** Hays County understands that entering into an Early Action Compact Agreement with the Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ) provides Central Texas with a mechanism to address effectively the region's air quality issues; and

**WHEREAS,** the Early Action Compact Agreement provides Hays County with the flexibility to choose those air quality improvement strategies most suitable to its circumstances and resources; now therefore be it

**RESOLVED BY THE** Hays County Commissioners' Court approves participation in the Memorandum of Agreement for the Austin/San Marcos MSA Early Action Compact to facilitate attainment of the 8 hour ozone standard by 2007.

**Adopt this the 10<sup>th</sup> day of December, 2002.**

**Court recessed into executive session at 10:05 a.m. and reconvened into open meeting at 10:50 a.m.**

**20739 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL REGARDING HAYS COUNTY V. TOM SAPP, CAUSE NO. 4608, HAYS COUNTY COURT AT LAW (CONDEMNATION LAWSUIT RELATING TO THE REALIGNMENT OF BLISS SPILLAR ROAD WHICH OCCURRED IN LATE 1992) [T1-598]**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to reject the settlement offer presented by Mr. Tom Sapp and direct County Legal Counsel to proceed with trial in Hays County vs. Tom Sapp. All present voting "Aye".

**EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEXAS GOVERNMENT CODE, TO CONSIDER POSSIBLE SITE ACQUISITIONS FOR FUTURE PARKS TO INCLUDE FUNDING OPTIONS AND PROCESSES FOR NEGOTIATIONS. ACTION IN OPEN COURT MAY FOLLOW**

No discussion and no action taken in open session.

**WORKSHOP RELATING TO THE STATE OF TEXAS/HAYS COUNTY SMALLPOX VACCINATION PLAN [T1-610]**

Director of Personal Health Gay Helmly gave a report on what is happening in her department regarding the issue of smallpox. She spoke of a two-fold event – they have been directed by the CDC and the Federal Government to prepare a post-event plan (after the fact) and a pre-event (select group of people would be identified and immunized) smallpox vaccinations in Texas. They were charged to identify within local jurisdiction hospitals and encourage them to develop a smallpox response team (this has been done). The Health Department will also have a smallpox response team (front line people – first to receive the vaccine and be trained and qualified to administer the vaccine). We are only looking at vaccinating 85 people at the hospital and 15-20 people at the county health dept. The First Responders and Fire Fighters would be considered later. The homeland security act will go into effect January 24, 2003. Gay Helmly spoke of legal issues that are being evaluated in terms of liability because of possible effects of the vaccine. She advised that one case of smallpox would be an emergency and would require earlier mass vaccination event. Vaccination would be only a voluntary basis and would require some cost to the county.

**Court was ADJOURNED.**

**MINUTES APPROVED IN OPEN COURT ON THE 17<sup>th</sup> 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**



