



STATE OF TEXAS 0
 COUNTY OF HAYS 0

ON THIS THE 18TH DAY OF MARCH A.D., 2003, 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
LINDA C. FRITSCH	DEPUTY 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.

PRESENTATION OF HAYS COUNTY SERVICES AWARDS

Commissioner Burnett presented a 10 year service pin to Justice of the Peace Pct. 3 Andy Cable. Judge Powers presented a 10 year service pin to Grants Administrator Richard Salmon. Environmental Health Dept. Chief Sanitarian Tom Polk presented a 15 year service pin to Robert Pratt. Computer Services Director Jeff McGill presented a 10 year service pin to Marva Filla. Environmental Health Dept. Chief Sanitarian Tom Polk presented a 5 year service pin to GIS Program Manager Steve Floyd

INTRODUCTION OF RECENTLY HIRED EMPLOYEES

Luis Gonzales introduced Environmental Health Dept. recently hired employee Kyle DeHart.

20874 PROCLAMATION DECLARING THE WEEK OF MARCH 16, 2003 TO MARCH 22, 2003 AS NATIONAL AGRICULTURE WEEK IN HAYS COUNTY [T1-110]

A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt Proclamation declaring the week of March 16, 2003 to March 22, 2003 as "National Agriculture Week" in Hays County. All voting "Aye".

PROCLAMATION DECLARING THE WEEK OF MARCH 16-22, 2003 AS NATIONAL AGRICULTURE WEEK IN HAYS COUNTY

WHEREAS, agriculture starts with the growing and harvesting of food and fiber and ends with almost everything we eat, wear and use; and
WHEREAS, we all must appreciate the role agriculture plays in maintaining a strong economy and in providing a safe, abundant and affordable food and fiber supply now and for years to come; and
WHEREAS, increased knowledge of agriculture helps us to understand the vital impact that our state's second largest industry has on our daily lives, especially as we make informed personal choices about diet and health; and
WHEREAS, when we say GO TEXAN, we are reminding everyone that Texas products are homegrown and sold by friends and neighbors who care about their land and the quality of their products; and
WHEREAS, whether your role in Texas agriculture involves growing food and fiber or just consuming it, you can take pride in Texas agriculture and the important role that it plays in our daily lives and in our future; now therefore be it
PROCLAIMED, that the HAYS COUNTY COMMISSIONERS' COURT do hereby proclaim the week of March 16 to 22, 2003 as National Agriculture Week in Hays County and urge all Texans to recognize those producers who help add quality to our lives.
WITNESS OUR HANDS SET HERE UNTO as evidenced by our signatures affixed hereto this the 18th day of March, 2003.

EXECUTIVE SESSION PURSUANT TO SEC 551.071, TEXAS GOVERNMENT CODE, TO RECEIVE LEGAL ADVICE REGARDING THE HAYS COUNTY JUVENILE DETENTION FACILITY

[9:10 a.m.- 10:15 a.m.] The court convened into closed executive session to receive legal advice regarding the Hays County Juvenile Detention Facility. Upon completion of the closed session, the court reconvened into open meeting. No action was taken.



PRESENTATION BY DR. ROBERT MACE [TEXAS WATER DEVELOPMENT BOARD] REGARDING WATER SUSTAINABILITY AND AVAILABILITY [T1-150]

Robert Mace (Texas Water Development Board) presented members of the court with a copy of the Texas Water Development Board "Groundwater Availability of the Trinity Aquifer, Hill Country Area, Texas: Numerical Simulations through 2050" Report 353. He spoke of his job running a program that develops ground water availability models and also deals with helping the citizens of Texas better understand their groundwater resources. The Water Development Board provides low interest loans to communities and they are in charge of water planning and providing information. Texas has an abundance of aquifers all over the State – Hays County has the Trinity Aquifer and the Edwards Aquifer. The Trinity aquifer has two pieces (hill country and northern part) – the hill country aquifer has more limestone. The Trinity aquifer goes under the Edwards aquifer. He spoke of various ways the aquifer is recharged and the different flow speeds. Recharge percentages (how much of the recharge could be used) vary with rainfall amounts – during average conditions the percentage of rainfall/precipitation used in the model is 4-5% - a lot of the aquifers across the State are in the ballpark of 3-6% of precipitation or rainfall that actually goes down. He spoke of pumpage increasing as growth increases. Mr. Mace stated that the figures used were in the Regional Water Plans – he doesn't thing the LCRA surface water was used – as conditions change, the figures will change. Mr. Mace spoke of sustainability being a difficult issue – how do you define sustainability – it's a local decision (i.e. you don't want your water levels to go down more than 50 feet?, you don't want springs to go dry more than 10% of the time?, you don't want base flow to go down more than 50 feet a minute?). Over-pumpage in the hill country would not cause permanent damage to the aquifer because it is pretty rigid but it would cause lower aquifer levels. Frank Puckett (Wimberley) spoke of there being Water Conservation Districts in Hays county elected by the people – how do you control water pumpage? Mr. Mace spoke of few limitations in State law – local control of aquifers is being addressed by the legislature.

20875 APPROVE THE COMMISSIONERS' COURT MINUTES OF MARCH 4, 2003 AND MARCH 11, 2003

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the Commissioners' Court Minutes of March 4, 2003 and March 11, 2003 as presented by the County Clerk. All voting "Aye".

20876 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 \$679,057.04 [3/11/03 disbursements] and \$614,529.50 [3/18/03 disbursements] as presented by the County Auditor. All voting "Aye".

3/11/03 = \$679,057.94

Vouchers Payable	\$ 3,250.00	Public Safety Svcs	\$ 82.00	Fines	\$ 119.00
TDHCA Funds Pass-thru	\$ 184.77	Auditor's Office	\$ 50.67	Treasurer's Office	\$ 119.72
Extension Office	\$ 269.10	Grants Admin Office	\$ 125.13	Juvenile Prob Office	\$ 56,108.87
Comm & Social Services	\$ 625.00	Transfer Station	\$ 204.26	Building Maint Dept.	\$ 6,113.55
Environmental Health	\$ 1,750.32	Civic Center	\$ 372.42	Countywide Oper	\$ 100,490.47
Tax Assessor-collector	\$ 31.70	District Clerk's Office	\$ 182.32	Sheriff's Office	\$ 22,327.18
Jail Operations	\$ 21,303.50	County Judge's Office	\$ 36.02	District Attorneys Ofc	\$ 2,577.13
J.P. 1-2	\$ 444.64	J.P. 2	\$ 220.53	J.P. 3	\$ 665.67
J.P. 5	\$ 220.21	Dept of Public Safety	\$ 21.12	Constable 1	\$ 270.19
Constable 2	\$ 473.05	Constable 3	\$ 344.78	Constable 4	\$ 271.85
Constable 5	\$ 381.80	District Court Oper	\$ 10,357.46	Co & JP Court Oper	\$ 3,899.57
Precinct 2	\$ 318.86	Precinct 4	\$ 356.72	Computer Services	\$ 510.82
DPS/Lic & Wghts	\$ 599.37	Fire Marshal/EMC	\$ 468.02	Special Counsel	\$ 228.72
CJD/VAWA Grant	\$ 77.63	Auto Theft Task Force	\$ 239.11	Title 4 Juv Prob Grant	\$ 3,245.00
General Fund Credit	<\$658.48>	R&B Operations	\$ 71,850.86	Right of Way	\$ 1,848.00
R&B General Fund Credit	<\$87.71>	Sheriffs Abandon Veh	\$ 51.26	Hays Co Parks Fund	\$ 649.91
Records Mng/Co Clerk	\$ 965.65	Health Svcs Grants	\$ 27,867.68	Hays Co Juvenile Ctr	\$ 7,326.84
Sheriffs Spec Projects	\$ 25.49	Sheriffs Drug Forf	\$ 445.75	Family Health Svcs	\$ 318.30
Road Bond S.2001 Constr	\$ 328,516.14				

3/18/03 = \$614,529.50

Ad Valorem	\$ 25,716.26	Licenses & Permits	\$ 1,372.00	Public Safety Svcs	\$ 220.00
Fines	\$ 156.00	TDHCA Funds	\$ 2,480.99	Auditor's Office	\$ 453.59
Treasurer's Office	\$ 633.75	Extension Office	\$ 448.42	Grants Admin Office	\$ 188.81
Juvenile Probation Office	\$ 1,260.39	Election Admin Ofc	\$ 399.78	Indigent Care	\$ 24,490.49
Transfer Station	\$ 4,081.91	Bldg Maint. Dept.	\$ 2,824.56	Environ Health	\$ 1,848.57
Civic Center	\$ 359.45	Countywide Oper	\$ 351,601.91	Tax A/C Office	\$ 1,456.66
District Clerk's Office	\$ 902.07	Sheriffs Office	\$ 10,466.71	Jail Operations	\$ 15,289.66
County Judge's Office	\$ 152.30	Human Resources	\$ 490.44	Co Court at Law 1	\$ 260.96
District Attorney's Ofc	\$ 1,236.04	J.P. 1-1	\$ 107.17	J.P. 1-2	\$ 466.65
J.P. 2	\$ 646.72	J.P. 3	\$ 292.19	J.P. 4	\$ 118.40
J.P. 5	\$ 113.00	DPS	\$ 534.35	Constable 1	\$ 162.75
Constable 2	\$ 298.21	Constable 3	\$ 20.54	District Court Oper	\$ 6,672.40
Co & JP Court Operations	\$ 2,746.65	Precinct 1	\$ 88.92	Precinct 3	\$ 1,235.72
Computer Svcs	\$ 6,116.39	CJD/TCOMI/Juv Prob	\$ 9.00	TJPC Salaries Grant	\$ 2,495.00
DPS/License & Wghts	\$ 100.86	Fire Marshal/EMC	\$ 563.40	TABC Office	\$ 212.44
District Court Reporters	\$ 95.71	Assoc Judge/Family	\$ 76.60	Special Counsel	\$ 207.44
CJD/VOCA Grant	\$ 564.77	CJD/VAWA Grant	\$ 43.24	Truancy Officer Grnt	\$ 297.83
911 Adrrs Mtc Grant	\$ 98.96	Title 4 Juv Prob Grnt	\$ 5,258.32	General Fund Credit	<\$321.47>
R&B Operations	\$ 75,007.23	Right of Way	\$ 10,900.00	Hays Co Parks Fund	\$ 540.15
Rec Mng/County Clerk	\$ 10,228.03	Health Svcs Grants	\$ 588.00	Law Library Fund	\$ 13,617.22
Hays Co Juvenile Center	\$ 9,495.04	Courthouse Security	\$ 66.42	Med/Dental Insur	\$ 13,019.39

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20877 APPROVE BUDGET AMENDMENT 03-15

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Amendment No. 03-15 as proposed by the County Auditor. All voting "Aye".

					AMENDMENT NO. 2003-15 FY 2003 BUDGET 03-18-03
FUND NO. 01 FUND TITLE GENERAL FUND					
LINE ITEM - EXPENDITURES	APPROPRIATION	AMENDMENT		APPROPRIATION	
	BEFORE	INCREASES	DECREASES	AS	
	AMENDMENT			AMENDED	
CONSTABLE, PCT. 1 (431):					
01-431-5021 Staff	93,256		1,350		94,606
01-431-5101 FICA only	21,936		105		22,041
COUNTYWIDE OPERATIONS (414):					
01-414-5399 Contingencies	58,688		(1,455)		
57,233					
<i>Fund temporary part-time deputy Constable for (2) months from contingencies as approved 2-18-03</i>					
FIRE MARSHAL (472):					
01-472-5336 Lease Education	-0-		805		
805					
REVENUE:					
01-333-5331 Lease Funds	-0-			805	805
<i>Budget Lease funds carryover and received for Fire Marshal</i>					
FUND NO. 03 FUND TITLE ROAD & BRIDGE GENERAL FUND					
ROAD & BRIDGE OPERATIONS (438):					
03-438-5219 General Supplies	2,500		1,700		4,200
03-438-5712 Data Proc Equipment	3,200			(1,700)	1,500
03-438-5331 Cont Ed		6,500		500	
7,000					
03-438-5311 Travel	1,000		500		1,500
03-438-5471 Nextel Radio	35,000			(1,000)	34,000
			2,700	(2,700)	
<i>Transfer savings on computer equipment to supplies; Nextel savings to Travel and Training</i>					
FUND NO. 07 FUND TITLE PARKS ADMINISTRATION FUND					
PARKS ADMINISTRATION (487):					
07-487-5742 Improvements	39,094		8,900		47,994
REVENUE:					
07-386-2487 LCRA Grant	7,600			8,900	16,500
<i>Record balance of LCRA Grant for Land and Improvements</i>					

20878 APPROVE UTILITY PERMIT #01638

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Utility Permit #01638 on CR101/Fitzhugh Road issued to Time Warner Cable. All voting "Aye".

20879 APPROVE REFUND OF OVERPAYMENTS ON TAXES

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve refund of overpayment on taxes in the amount of \$548.74 on 2 acres Franklin C. Heard Survey (Acct.#R94336). All voting "Aye".

20880 APPROVE RENEWAL OF THE "MOWING OF GROUNDS MAINTENANCE (DUDLEY JOHNSON PARK/KYLE LOG CABIN)" CONTRACT FOR ONE (1) YEAR AS PROVIDED IN THE ORIGINAL CONTRACT WITH MAINTENANCE MANAGEMENT/GENE BAGWELL

Parks Director Jerry Pinnix is satisfied with the performance of Maintenance Management and recommended renewal of contract for one additional year. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve renewal of the "mowing of grounds maintenance (Dudley Johnson

Park/Kyle Log Cabin) contract for one (1) year as provided in the original contract with Maintenance Management/Gene Bagwell. All voting "Aye".

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20881 APPROVE SPECIFICATIONS FOR THE "HAYS COUNTY ANNUAL COUNTYWIDE DUMPSTER" CONTRACT AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve specifications for annual countywide dumpster contract (Bid #2003-B3) and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

20882 APPROVE CONTRACT FOR "PRESERVATION PLAN FOR TRANSPORTATION-RELATED HISTORIC RESOURCES IN HAYS COUNTY" FOR THE HAYS COUNTY HISTORICAL COMMISSION TO PRESERVATION CENTRAL INC./TERRI MYERS IN THE AMOUNT OF \$6,000 [T1-924]

Grants Auditor Lamarr Petersen advised that the money has been budgeted. The County Purchasing Dept. has received two (2) proposals with Preservation Central Inc. having the best value (\$6,000) and qualifications to fulfill the project. The proposals were reviewed by Purchasing and Jerry Kolacny, Chairman of the Hays County Historical Commission and they are recommending awarding the contract to Preservation Central Inc./Terri Myers. The other proposal received was from Architexas in the amount of \$10,023. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve contract for "Preservation Plan for Transportation related historic resources in Hays County" for the Hays County Historical Commission to Preservation Central Inc./Terri Myers in the amount of \$6,000. All voting "Aye".

20883 APPROVE CONTRACT FOR "MULTIPLE NATIONAL REGISTER NOMINATIONS FOR HAYS COUNTY" FOR THE HAYS COUNTY HISTORICAL COMMISSION TO PRESERVATION CENTRAL INC./TERRI MYERS IN THE AMOUNT OF \$6,000

The County Purchasing Dept. has received two (2) proposals with Preservation Central Inc. having the best value (\$6,000) and qualifications to fulfill the project. The proposals were reviewed by Purchasing and Jerry Kolacny, Chairman of the Hays County Historical Commission and they are recommending awarding the contract to Preservation Central Inc./Terri Myers. The other proposal received was from Architexas in the amount of \$7,205.00. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve contract for "Multiple National Register Nominations for Hays County" for the Hays County Historical Commission to Preservation Central Inc./Terri Myers in the amount of \$ 6,000.00. All voting "Aye".

Clerk's Note: Agenda Item #12 RE: RENEWAL OF THE "FUEL AND FLEET CARDS SYSTEM" CONTRACT FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT WITH TRIPLE S PETROLEUM (FUEL) AND FUELMAN (FLEET CARD SYSTEM) was PULLED. No discussion and no action taken.

PUBLIC COMMENTS

[T1-960] Marshal Jennings (a researcher in groundwater hydraulics at SWTSU and occasionally teaches hydrogeology and hydrology) spoke of his appointment to the Hays Trinity Groundwater Conservation District in 1999 – as a water professional with 40 years of experience he was happy to do this recognizing that the trinity aquifer region in central Texas is a declared groundwater priority area by the State of Texas. He spoke of their accomplishments. The district ranks near the top of the GC Districts and operates a monthly network of about 20 well monitoring stations in coordination with the Water Development Board. Four of these monitoring wells are continuous recorders with daily records of water level and rainfall – we know where our water levels are. The District has developed a data base program for including all wells drilled in the region – about 50 permitted wells are in the data base and perhaps 3,000 domestic wells are being placed in the data base - they permit/register approximately 200 new wells each year – the district is studying "what is the recharge and what is the sustainability of groundwater in the Trinity Aquifer using the best science?". The district is sponsoring 2 groundwater workshops open to the public (March 25 in Dripping Springs & March 27 in Wimberley). He appealed to the court to support the Hays Trinity Groundwater Conservation District.

20884 [PCT 2 #03-2-005] GEORGIA LEA (4 LOTS) * APPROVE FINAL PLAT [T1-1081]

Subdivision Coordinator Jon Thompson gave staff recommendation for final plat approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of "Georgia Lea" subdivision. All voting "Aye".

20885 [PCT 3 #02-3-023] MOUNTAIN VIEW ESTATES (5 LOTS) * APPROVE FINAL PLAT AND RELEASE CONSTRUCTION FISCAL SECURITY [T1-1092]

Sam Davis asked about release of construction fiscal security. Commissioner Burnett advised that the roads are complete and it is a privately maintained road and requires no maintenance security. Subdivision Coordinator Jon Thompson advised that the road (Currie Ranch Road) has been inspected and he gave staff recommendation for approval. Commissioner Molenaar advised that if they want the roads accepted by the county in the future, it will have to be brought up to county standards. Road Supt/Engineer Jerry Borcharding advised that the road is currently built to private road standards and would not meet county specifications. A copy of the Road Maintenance Agreement was submitted for the record. A motion was made by Commissioner

Burnett, seconded by Commissioner Molenaar to approve final plat of "Mountain View Estates" and release road construction fiscal security. All voting "Aye".

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20886 [PCT 4 #02-4-079] SHADY VALLEY SECTION 2 (22 LOTS) * APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SECURITY [T1-1175]

Subdivision Coordinator Jon Thompson gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Shady Valley Section 2" and accept road construction fiscal security. All voting "Aye".

20887 [PCT 4 #03-4-015] LA VENTANA PHASE 1 HOMESITE 11 (1 LOT) * APPROVE FINAL PLAT AND WAIVE PUBLIC NOTIFICATION REQUIREMENTS [T1-1198]

Subdivision Coordinator Jon Thompson gave staff recommendation for final plat approval. This is an existing lot that is increasing its size from the original lot size of 1.31 acres to 4.19 acres. Since this is an increase to the original lot size, and no new lots are being created, staff recommends the waiver of public notification. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to waive public notification requirements and approve final plat of "La Ventana Phase I Homesite 11". All voting "Aye".

20888 CALL FOR A PUBLIC HEARING TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS IN HILLCROFT SUBDIVISION (TWO YIELD SIGNS) [T1-1218]

A request was turned into the Road Department for 2 new Yield signs in the Hillcroft Subdivision to help control traffic. One yield sign would be placed on West Summit Drive as you come up on Link Lane going east and the other yield sign would be placed on Link Lane as you come up on West Meadow Lane. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to call for a public hearing on April 1, 2003 to consider establishing traffic regulations in "Hillcroft Subdivision" – 2 Yield signs. All voting "Aye".

20889 ADOPT A SAFETY RESOLUTION THAT SUPPORTS THE IMPLEMENTATION OF A COMPREHENSIVE ACCIDENT PREVENTION PLAN IN CONJUNCTION WITH THE TEXAS ASSOCIATION OF COUNTIES [T1-1233]

Human Resources Director Luis Gonzales spoke of incentive program offered by Texas Association of Counties (TAC). Larry Boccaccio (from TAC) presented the 2003 Safety Incentive Program Guide. They look at accident rates and you can receive a rebate if you follow the plan. Hays County's reimbursement could be up to \$74,542 in Workers Compensation Premiums. An accident prevention plan is in place in Hays County but needs to be amended. This program is designed to encourage counties to develop and implement an effective accident prevention plan to prevent work-related accidents. Where effective accident prevention plans are implemented, injury and illnesses are significantly less than comparable counties where safety and health management is weak or non-existent. In order for a county to successfully complete the Safety Incentive Program, the county must develop and implement a seven-element accident prevention plan. [1] Management Component – reflect management's commitment to safety (*signed safety policy statement and designate the responsibilities*), [2] Analysis Component – procedures for the accident trend analysis (*list of records used, detect existing or potential workplace exposure trends, frequency of accident trend analysis, and identify who is responsible for actions and follow up*), [3] Record-keeping Component – outline the record-keeping system (*identify who will maintain doc/records, location of records, and retention time of each*), [4] Safety Education and Training Component – summarize the safety and education procedure (*frequency of training sessions and meetings, identify who is responsible for training, and provide procedure for follow-up training*), [5] Hazard Identification/Audit/Inspection Component – explain the steps of the safety inspection/safety audit procedures (*identify responsible individual/s, give frequency of inspections, describe how deficiencies found are documented and corrected, indicate how employees are made aware of workplace exposures, and who is responsible for formulating corrective actions, implementing those actions and follow up*), [6] Accident Investigation Component – explain the steps of the accident investigation (*state who is responsible for investigating accidents/injuries/incidents, have a written accident investigation procedure, describe how employees are made aware of workplace exposures, and identify who is responsible for formulating corrective action implementing those actions and follow up*), [7] Periodic Program Review and Revision Component – detail procedures for reviewing and revising the Accident Prevention Plan (*identify who is responsible for reviewing, give frequency of review, indicate how employees are made aware of the changes, require review to be conducted when changes are determined or anticipated, and identify who is responsible for implementing and following up on changes*). The Road Dept. and Sheriff's Dept. must participate in the plan. Luis Gonzales spoke of having the same safety committee, with some revisions, as in the past. A motion was made by Commissioner Molenaar, seconded by Judge Powers to adopt a safety resolution that supports the implementation of a comprehensive accident prevention plan in conjunction with the Texas Association of Counties. All voting "Aye".



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RESOLUTION**RESOLUTION IN RE:
SAFETY****PROCEEDINGS BEFORE THE
COMMISSIONERS' COURT
DATE: MARCH 18, 2003**

The Commissioners' Court of Hays County, Texas, meeting in regular session on the 18th day of March, 2003, among other proceedings considered the following resolution:

WHEREAS, the County Judge, County Sheriff, County Commissioners and other County officials are concerned with safety of employees and the public; and

WHEREAS, these safety efforts have a direct and positive impact on the cost of operations and employee morale for Hays County and

WHEREAS, the County can earn a cash incentive of up to \$74,542 from the Texas Association of Counties Workers' Compensation fund in 2003 by implementing a comprehensive accident prevention plan, and

WHEREAS, implementation of this plan should minimize unnecessary accidents and control Worker's Compensation costs for the future; and

WHEREAS, the county can utilize the free services of the safety staff of the Texas Association of Counties to assist in the implementation of such a plan,

NOW, THEREFORE, BE IT RESOLVED, that the Hays County Commissioners' Court, Hays County, Texas, in joint resolution with the Sheriff and any other undersigned County officials, hereby proclaim their support on behalf of the County to implement an effective accident prevention plan in agreement with the Texas Association of Counties, and the Commissioners' Court hereby prevails upon and challenges other elected and appointed County officials to support this safety initiative, and work in a cooperative effort to develop and implement these accident prevention plans.

DONE IN OPEN COURT this 18th day of March, 2003 upon motion by Commissioner Molenaar, seconded by Judge Powers, and all members of the Court being present and voting "Aye".

20890 ALLOW THE VETERAN'S OF FOREIGN WARS TO ERECT A MEMORIAL WITH A FLAG POLE ON THE DRIPPING SPRINGS TRIANGLE FOR FALLEN SOLDIERS

[T1-1393] Ernie Banasau and Shorty Barnett appeared representing the Veterans of Foreign Wars. Mr. Banasau spoke of the Dripping Springs Triangle being an ideal location for the 40 foot flag - they intend to have this project ready for an event to be held on Memorial Day 2003 and they plan to expand it with a brick program like the one being done in San Marcos. The space will be directly behind the existing sign and will not affect development on the site. No cost to the City of Dripping Springs or to Hays County. Commissioner Molenaar spoke of City of Dripping Springs' plan to purchase this property - this will not affect those plans. He spoke in support of this memorial. The Texas flag will be flown on the same flag pole. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to allow the Veteran's of Foreign Wars to erect a memorial for fallen soldiers with a flag pole on the Dripping Springs Triangle and authorize the County Judge to write a letter to that effect. All voting "Aye".

20891 ACCEPT BIDS ON PROPERTIES HELD IN TRUST (DELINQUENT TAX PROPERTY) [T1-1538]

Tax Assessor-Collector Luanne Caraway advised that a bid has been received in the amount of \$4,960.56 for Lot 206 Wimberley Campfire No. 2 Section 4 [ID#R22976] - this would be a 65% recovery - this bid has been approved by the Wimberley ISD and she recommended acceptance of the bid. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to accept bid in the amount of \$4,960.56 for Lot 206 Wimberley Campfire No. 2 Section 4 [ID#R22976]. All voting "Aye". Luanne Caraway spoke of bid received in the amount of \$6,000 for a portion of Farm Lot 19 in the City of San Marcos - reflects a 26% recovery rate- has been approved by the City of San Marcos. Taxes have not been paid on this property since 1971, therefore, she recommends acceptance of the bid offer. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to accept bid in the amount of \$6,000.00 for Part of Farm Lot 19 Original Town of San Marcos [ID#R27401]. All voting "Aye".

20892 AUTHORIZE THE COUNTY JUDGE TO SIGN AN EASEMENT GRANTING ACCESS TO BLUEBONNET ELECTRIC COOPERTIVE RELATING TO THE CLOVIS BARKER ROAD RECONSTRUCTION PROJECT [T1-1574]

this easement is in favor of Bluebonnet Electric Co-Operative Inc. to facilitate their utility relocation in advance of road work for the reconstruction of Clovis Barker Road. The poles will be relocated to a point behind the existing P.U.E. and in front of the existing parking lot paving. No guy wires or poles will be placed in the existing parking area or drive areas as a result of the utility relocation, and those currently existing will be removed. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge

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20893 ACTION AMENDING THE HAYS COUNTY ANIMAL CONTROL ORDINANCE TO REFLECT CHANGES MADE IN RABIES VACCINATION LAWS IN THE CURRENT LEGISLATIVE SESSION [T1-1594]

Commissioner Burnett spoke of having been contacted by local vets regarding a change in the law effective tomorrow (March 19, 2003) – need to amend our current ordinance to reflect a change in State law. The new language for Section 169.29(a) Rabies Control and Eradication is as follows: ***The owner or custodian (excluding animal shelters) of each domestic dog or cat shall have the animal vaccinated against rabies by four months of age. The animal must receive a booster within the 12-month interval following the initial vaccination. Every domestic dog or cat must be revaccinated against rabies at a minimum of at least once every three years with a rabies vaccine licensed by the United States Department of Agriculture. The vaccine must be administered according to label recommendations. Livestock (especially those that have frequent contact with humans), domestic ferrets, and wolf-dog hybrids should be vaccinated against rabies. Nothing in this section prohibits a veterinarian and owner or custodian from selecting a more frequent rabies vaccination interval. Health and Safety Code, §§826.014 and 826.015 allow local jurisdictions to establish more frequent rabies vaccination intervals.***

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to amend the Hays County Animal Control Ordinance to reflect changes made in rabies vaccination laws in the current legislative session effective March 19, 2003. All voting "Aye".

Clerk's Note: Agenda Item #25 RE ESTABLISHING THE "FRIENDS OF THE HAYS COUNTY PARKS" TO ASSIST WITH PROJECTS **was PULLED. No discussion and No action.**

20894 AUTHORIZE THE COUNTY JUDGE TO SIGN A SERVICE AGREEMENT WITH SWCA ENVIRONMENT CONSULTANTS TO CONDUCT AN ANTIQUITIES STUDY AT DUDLEY JOHNSON PARK EXTENSION AND SUBMIT A TEXAS ANTIQUITIES PERMIT APPLICATION TO THE TEXAS HISTORICAL COMMISSION [T1-1646]

Parks Director Jerry Pinnix advised that funds have already been budgeted (capital improvements) for this survey. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to authorize the County Judge to execute a Service Agreement with SWCA Environmental Consultants to conduct an antiquities study at Dudley Johnson Park extension and submit a Texas Antiquities Permit application to the Texas Historical Commission. All voting "Aye".

20895 APPROVE OUT OF STATE TRAVEL FOR GIS TRAINING FOR STEVE FLOYD [T1-1692]

Environmental Health Dept. Programs Manager, GIS/911 Addressing Steve Floyd advised that this is a 5 day training class (Advanced ArcInfo) being held in Redlands California – this is the only location in the U.S. to offer this training – approximate cost is \$2,777 – funds are already budgeted. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve out-of-state travel for GIS training for Steve Floyd (Environmental Health Dept). All voting "Aye".

Clerk's Note: Agenda Item #28 RE: ACTION TO REIMBURSE HAYS COUNTY HEALTH DEPARTMENT STAFF FOR HOTEL EXPENSES INCURRED AT AN EMERGENCY MANAGEMENT TRAINING CONFERENCE IN AUSTIN was PULLED - NO discussion and NO action.

20896 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A \$217,790 GRANT FROM THE OFFICE OF RURAL AFFAIRS - DISASTER RELIEF FUND TO BE USED AS MATCHING FUNDS TOWARD AN NRCS GRANT TO REMOVE FLOOD DEBRIS FROM THE BLANCO RIVER AND THE DRY CYPRESS AND EXECUTE THE CONTRACT [T1-1760]

Grants Administrator Richard Salmon advised that this project would be similar to the Wimberley Mitigation Project, but instead of removing homes that had been flooded, we will be removing debris from the Blanco River to reduce future flooding and property damages. Large debris piles pose a fire hazard and will increase flooding unless they are removed. The project covers approximately 12 miles of the Blanco River, from just north of Dudley Johnson Park, to the confluence on the San maracas and Blanco Rivers south of San Marcos. The project also includes 2 miles of cleanup on the dry cypress and clean-out and restoration of a low-water crossing on Haske Road. NRCS reps from Temple inspected the flood area and determined that it was an eligible project and provided an estimate of \$900,000 for the total cost of the project. The NRCS will provide 75% (\$675,000) of the total from their Emergency Watershed Protection Program. NRCS will bid the project and supervise the cleanup. The state through this matching grant will provide \$217,790 from the Office of Rural Affairs – Disaster Relief Program. Since some of the area is in the city limits of the City of San Marcos an interlocal agreement will have to be executed. The City of San Marcos and GBRA are both supportive of the project and have been helping to gather information. San Marcos will be providing matching funds for their part of the cleanup in the amount of \$92,000. Minimum matching funds needed for this project is \$225,000, amount on hand will be \$309,790. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to accept a \$217,790 grant from the Office of Rural Affairs – Disaster Relief Fund

to be used as matching funds toward an NCRS Grant to remove flood debris from the Blanco River and the Dry Cypress and execute the contract. All voting "Aye".

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20897 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY FOR 36 MOBILE VISION CAMERAS FOR THE HAYS COUNTY SHERIFF'S OFFICE [T1-1849]

Grants Administrator Richard Salmon advised that during the last session, the Texas Legislature amended the Code of Criminal Procedure by adding Articles 2.131 through 2.138 relating to racial profiling. The amendment deals with the collection of data on traffic stops. The new legislation required the DPS to provide grant funds for the purpose of installing video and audio equipment in patrol cars. On December 5, 2001 Hays County submitted a grant application to DPS for 36 mobile-vision cameras. We were notified that we are approved to receive 36 units, at no charge to the county. He urged the court to accept this grant. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize the County Judge to accept a Grant from the Texas Department of Public Safety for 36 mobile vision cameras for the Hays County Sheriff's Office. All voting "Aye".

20898 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE BULLETPROOF VEST PARTNERSHIP PROGRAM OF THE U.S. OFFICE OF JUSTICE PROGRAMS FOR UP TO \$6,500 AND TO EXECUTE THE CONTRACT

[T1-1878] Richard Salmon advised that the amount should be \$6,500 instead of \$6,125. Grant and matching funds will be used to purchase custom bulletproof vests for county deputies, constables and other law enforcement officers. No administration funds are included in the grant. The Sheriff's office will budget the matching funds for the coming year. Bulletproof vest have to be replaced after 5 years and each is custom fitted to the person, therefore we purchase vest each year. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a grant application to the Bulletproof Vest Partnership Program of the U.S. Office of Justice Programs for up to \$6,125 and to execute the contract. All voting "Aye".

20899 ACTION REGARDING A SECOND HAYS COUNTY APPOINTMENT TO CAMPO POLICY ADVISORY COMMITTEE [T1-1926]

Commissioner Burnett spoke of action taken in December 2002 – all of Hays County and Williamson County are now in the PAC and the breakdown of how the new board membership will look – due to increased population defined in the 2000 census, Hays County will receive an additional members and he would like the second person from Hays County to be a representative of the City of San Marcos (preferably the Mayor of San Marcos or a duly elected representative). A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to affirm our previous decision as set out in Resolution #20718 on December 3, 2002 and request the City Council of San Marcos to appoint their Mayor or an agreed upon representative to fill the newly created position on the CAMPO PAC. All voting "Aye".

20900 ACTION RELATING TO THE CITY OF SAN MARCOS' REQUEST FOR PROPOSAL FOR SOLID WASTE COLLECTION [T1-1992]

Ralph Wueller (Municipal Marketing Manager for Texas Disposal Systems) spoke of City of San Marcos RFP calling for the creation of an exclusive franchise for only one service provider to collect and dispose of virtually all commercial and residential solid waste within the city limits. If they do this, they will take the 15 years that TDS has been in business away from them and without compensation. He provided a copy of the National Solid Wastes Management Association Texas Chapter Resolution encouraging all local governments throughout the State of Texas to retain open market systems of solid waste management which provide competitive, cost-effective collection, disposal and recycling services to their communities and fairly preserve the good faith capital investments made by private businesses. They have over 200 businesses on their petition (business owners and managers) – he has not talked to a single person or business in San Marcos that is in favor of this. It takes away their ability to choose their service providers – TDS does things other service providers do not do and their rates are higher than others - it is impossible for one service provider to provide everybody's needs. He spoke of San Marcos having the highest water rates and wastewater rates in the State for a city of its size. Commissioner Ingalsbe spoke in support of competitive bid. [T1-2297] Richard Mendoza, Public Works Director for City of San Marcos, advised that no final decision has been made by the City of San Marcos. He spoke of RFP's received in May 2002 that were rejected because of higher costs to customers and they had concerns about quality of service they were getting at that time – they put out new RFP's expanding service to commercial, institutional, and industrial solid waste services – they thought this might lower the price by creating a bigger pie for vendors to bid on – there was also provisions for some performance measures and accountability fines for noncompliance with those performance measures - sustain a level of service at the lowest cost. Commissioner Molenaar felt like the City of San Marcos is trying to take over this service by having only one vendor in the city that they will control. Richard Mendoza spoke of research that was done and franchise fee that would be implemented – franchise fee was figured to recoup minor administrative costs that the city entails by billing residential customers and recoup some of the cost for accelerated damages to roads caused by equipment (0, 5 & 10% rather than a flat 10 or 12%). A committee is evaluating the proposals and they should be considered by the City Council next Monday – they have received quite a bit of concerns from businesses – if they go to a franchise commercial provider, they will have to determine what will be done with current providers. [T1-2640] Sam Davis spoke of this being another layer of bureaucracy that the customer is not

going to benefit. A motion was made by Commissioner Carter, seconded by Judge Powers to authorize the County Judge to write a letter to the City of San Marcos opposing the proposed franchise of commercial solid waste disposal and thereby eliminating a free enterprise system. All voting "Aye".

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20901 AUTHORIZE THE COUNTY JUDGE TO WRITE A LETTER TO DEVELOPER REGARDING MAINTENANCE OF ROADS IN THE CIRCLE N RANCH SUBDIVISION

[T1-2724] Commissioner Carter spoke of citizens in the subdivision who are alarmed about the conditions of the roads in the Circle N Ranch Subdivision. Drainage is allowing the road to wash out in places. Road Supt/Engineer Jerry Borcharding advised that the subdivision was approved prior to when he came to work for the county in 2000 – we have a maintenance bond on file – the Developer is not responding to our request for repairs. Jerry Borcharding agrees that we cannot accept the roads for county maintenance in the condition they are in at the current time. Commissioner Carter suggested writing a letter to the Developer and advising him that these roads still belong to the developer and are his responsibility and the county is not obligated to take over maintenance until repairs are made. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to authorize the County Judge to write a letter to the Developer advising him that the county will not take over maintenance of roads in the Circle N Ranch Subdivision until they are brought up to county standards. All voting "Aye".

DISCUSSION REGARDING THE TXDOT RESPONSE LETTER CONCERNING OUR STATE ROAD PROPOSAL [T1-3079]

Commissioner Burnett spoke of negotiations with TxDot using \$21 million in road bond funds and he stated that he is satisfied with their response letter. The agreement calls for the State to complete the plans, specification and engineering for the San Marcos Loop FM110 within a maximum time period of 3 years – it is a firm commitment from the Texas Dept. of Transportation – with the county doing the environmental document on this project. He spoke of projects that now have time tables on them. Commissioner Burnett went through the various projects and the State's commitment. [T1-3328] Al Ludecke (Turner, Collie & Braden) spoke of the State being in a financial bind and the competition for projects is very dependent on what money might be available at a future date. He spoke of significance of letters from TxDot and the County – currently putting a presentation together for submission to the Texas Transportation Commission – presentation date is May 29, 2003 to request strategic priority funding to cover construction and ROW acquisition cost. No action taken.

DISCUSSION REGARDING REVIEW, RE-EXAMINE AND RECONSIDER THE SALARY INCREASES APPROVED FEBRUARY 11, 2003 BY THE HAYS COUNTY COMMISSIONERS' COURT [T2-44]

Mary Jane Puckett read a statement from Donna Williams (Wimberley resident) voicing her concerns about benchmarks used in the salary review and urging the court to examine the long term adverse affects of this salary review – recommended raises alone add an additional \$1 million + increase in the budget which will be hard felt on the taxpayers pocketbook who are already overburdened and many on fixed incomes. Mrs. Puckett advised that her income has eroded dramatically. [T1-77] Anita Fournier's (Wimberley resident) statement was read by Dr. Jeanette Passty – this statement stated that we cannot afford this increase - it will only raise our taxes and many of us are on fixed incomes and some have no income – she urged the court to reconsider this proposal. Dr. Jannette Passty (San Marcos resident & Block Captain for the Castle Forest Neighborhood Association) advised that her neighborhood association (200+ members families) protests the poorly timed and ill considered raise in salaries for county employees with no opportunity for adequate study of the measure by the court or the citizens – she spoke of the economy and the state of the nation and the layoffs and cuts to programs being projected. She urged the court to rescind the prior vote. [T2-164] Sherri Bilson (San Marcos resident and member of the Castle Forest Neighborhood Association) spoke of people on fixed incomes – she encouraged the court to bring this back for discussion – she feel like information is missing from the report - what is the criteria being used to evaluate knowledge level vs. degree level - how many employees are being brought up to mid-point - these questions need to be answered – how many jobs were deleted (none – they were renamed). Commissioner Ingalsbe advised that there will be 50 employees above midpoint – 91% will be below midpoint. Commissioner Burnett spoke of rating positions by job descriptions. [T2-324] Frank Puckett (Wimberley resident) spoke of it being the wrong time and situation to see costs going up. [T2-338] Clint Frankmann (Wimberley resident) spoke of \$1.5 million pay raise in the county budget – it is unwise and will not be acceptable to the majority of financially strapped Hays County taxpayers. Property values are on the decline and future property appraisals should reflect that decline. [T2-374] Commissioner Carter gave a power point presentation – showing that the purpose of the salary increase was to avoid losing employees to the city of San Marcos, particularly to the San Marcos police department – they have a hiring freeze and we will not be losing employees to them – TAC offers free to all counties a county salary survey – that information shows that our salaries are already higher than the counties in their survey – counties receive only ½% sales tax and cities receive 3%, responsibilities of county positions are usually different from city positions – the economy is suffering and this is not the time for this type of increase. A motion was made by Commissioner Carter to reconsider salary increases – MOTION DIED for lack of a second. Commissioner Ingalsbe stated that department heads and elected officials are willing to cut back where they can and she is ready to make those tough decisions in the budget process. We are trying to stay within our means. We have employees that are struggling – insurance costs went up 15%. Judge Powers spoke of holding down and lowering the tax rate for the last four years and he is committed to continuing to maintain and try to lower the tax rate as well.



DISCUSSION REGARDING IDENTIFYING PORTIONS OF THE HAYS COUNTY SUBDIVISION RULES THAT COULD BE IMPROVED TO PROTECT THE CITIZENS AND ENVIRONMENT OF HAYS COUNTY [T2-587]

Tax Assessor-Collector Luanne Caraway spoke of new property owners getting hit with rollback taxes – the title companies are required to advise purchasers at closing of this tax. She asked other counties how they address this issue – some require a tax certificate with rollback taxes due at time of filing the final plat. Commissioner Molenaar suggested putting that information on the plat. Commissioner Ingalsbe spoke of utilizing Greg Hudson to look at this when looking at SB873 amendments. Luanne Caraway advised that local rules can dictate payment of rollback taxes when a final plat is filed – the Commissioners' Court could work with the Central Appraisal District Board to create these rules. Jerry Borcharding spoke of items that need to be considered: (1) road specifications need to be changed (more specific about utility locations), (2) include requirements for developers to provide specific requirements on plans (more detailed engineering data on road they are building) (3) investigate charging for plan review, (4) include specs for landscaping in county right-of-way, (5) work toward a streamline system for correcting mistakes and amending the rules as you go along. No action taken this date.

STAFF REPORT FROM THE HAYS COUNTY GRANTS OFFICE. TOPICS WILL INCLUDE CURRENT AND PENDING GRANTS [T2-920]

Grants Administrator Richard Salmon spoke of grant projects he is working on. The majority are competitive grants that we have to compete for. There are 23 active grants for a total of \$1,696,379 and 12 pending grants for a total of \$2,437,296. He is in the process of locating free services to develop an informational website for the grants office to help county residents understand how we can help them and to reduce frivolous grant requests to his office.

Clerk's Note: Agenda Item #39 RE: STAFF REPORT FROM THE HAYS COUNTY ELECTIONS ADMINISTRATOR. TOPICS WILL INCLUDE ACCOMPLISHMENTS, PENDING ELECTIONS, ENHANCEMENTS TO THE DEPARTMENT AND GOALS OF THE DEPARTMENT was PULLED. Report to be given March 25, 2003.

Court was adjourned.

MINUTES APPROVED IN OPEN COURT ON THE 25th DAY OF MARCH, 2003.

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

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

