



OCTOBER 28, 2003

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VOL S PG 823

STATE OF TEXAS ★

COUNTY OF HAYS ★

ON THIS THE 28<sup>TH</sup> DAY OF OCTOBER A.D., 2003, 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>LEE CARLISLE</b>	<b>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.

#### **PUBLIC COMMENTS**

Bruce Renfro (Driftwood resident) spoke of loophole in the law allowing the building of a subdivision using rules designed for the building of condominiums. This development will consist of 17 detached single family homes with no common walls sharing in a single septic system. He is concerned about what will be released into the seasonal creek in the area when the sprinklers pop up and spray effluent into the air to purify it and he is concerned about the people involved in this development (possible conflict of interest). Mr. Renfro provided his public comment in writing to the County Clerk for the record. Susan Cook (Driftwood resident) voiced her concern about this development and spoke of it being in an inappropriate location – the road is a dirt dead end road.

#### **PRESENTATION OF COURTHOUSE PHOTOGRAPH BY SHELLY VESELKA OF MCREARY, VESELKA, BRAGG AND ALLEN**

[T1-94] Shelly Veselka and Carol Garcia of McCreary, Veselka, Bragg and Allen, presented the court with a picture of the courthouse as it appeared in the County Progress Magazine.

**CLERK'S NOTE: AGENDA ITEM #2 PRESENTATION BY DR. GARY WALKER ON THE VINE SYSTEM (VICTIM INFORMATION AND NOTIFICATION EVERYDAY), DEVELOPED BY APPRISS AS A PROTOTYPE FOR A TEXAS STATEWIDE AUTOMATED NOTIFICATION SYSTEM WAS PULLED. NO DISCUSSION AND NO ACTION.**

#### **21393 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$805,858.50 as presented by the County Auditor. All voting "Aye".

#### **21394 APPROVE BUDGET AMENDMENT 04-04**

Budget Amendment No. 04-04 amends the District Attorney's budget to reflect an additional felony prosecutor due to unplanned grant renewal funds = \$53,815 and amends the Tax Office budget \$640 for a copier for the Buda substation. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment No. 04-04. All voting "Aye".

#### **21395 APPROVE VOTE FOR SELECTION OF APPRAISAL DISTRICT DIRECTORS AND AUTHORIZE COUNTY JUDGE TO SUBMIT BALLOT TO THE HAYS COUNTY APPRAISAL DISTRICT**

An Official Ballot to select seven members to the Hays County Appraisal District Board of Directors was received from the Hays County Appraisal District Chief Appraiser. Hays County is entitled to 1,358 votes of the 7,000 total votes to be cast. The number of votes required to be elected equals 875. The recommended distribution of votes are as follows: 875 for Luanne Caraway, 165 for Dan McDevitt, and 318 for John A. Diaz. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve vote for selection of Appraisal District Directors as follows: Luanne Caraway = 875, Dan McDevitt = 165, and John A. Diaz = 318; and to furthermore authorize the County Judge to submit the ballot to the Hays County Appraisal District. All voting "Aye".



**21396 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO CAPCO TO EXPAND THE EXISTING COUNTYWIDE EMERGENCY RESPONSE TEAM (CERT) FOR UP TO \$25,000 AND TO EXECUTE CONTRACT IF APPROVED**

[T1-130] Mark Chambers spoke of the CERT volunteers that help during any type of an emergency (50-60 volunteers). The objectives of a CERT is to organize and provide trained volunteers to assist first responders in helping their communities prepare for emergencies, providing assistance in emergencies, organizing spontaneous volunteers who have not had training, and to assist in the aftermath of emergencies. The first grant established the group and this grant would be used to expand the organization, purchase additional gear and training equipment. The Hays County CERT is a 501c(2) organization and is involved in local fundraiser as well as submitting applications to other entities for grant funds. They are providing the local match and the county will receive \$1,000 in administration fees. The command structure is in Wimberley and they are working to expand into other areas of the county. The County Fire Marshal and Sheriff's Dept. are the overseers of this team. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to submit a grant application to CAPCO to expand the existing Countywide Emergency Response Team (CERT) for up to \$25,000 and to execute a contract. All voting "Aye".**

**21397 ADOPT AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS FOR SUBDIVISION REGULATION WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN MARCOS** [T1-200]

Commissioner Burnett spoke of meeting with the City of San Marcos – the original agreement was temporary and a permanent agreement is needed (expires Dec. 31, 2007). Commissioner Carter voiced her concerns with the agreement. It was stated that this is the same agreement that was previously approved by the court (a renewal) and has been working well and is required by statute. **A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to adopt an interlocal agreement between Hays County and the City of San Marcos for subdivision regulation within the extraterritorial jurisdiction of the City of San Marcos. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

**21398 PUBLIC HEARING WITH ACTION TO ESTABLISH TRAFFIC REGULATIONS IN THE SAWYER RANCH SUBDIVISION NEAR DRIPPING SPRINGS** [T1-308]

Judge Powers called 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 establish traffic regulations of STOP signs in the Sawyer Ranch Subdivision (AKA Vistas of Sawyer Creek) near Dripping Springs as recommended by the Road Dept. All voting "Aye".**

STOP on Polly's Point @ Tom Sawyer Road  
 STOP on Huck's Hideaway @ Tom Sawyer Road  
 STOP on Steamboat Crossing @ Tom Sawyer Road  
 STOP on Catfish Cove @ Steamboat Crossing  
 STOP on Thatchers @ Tom Sawyer Road  
 STOP on Old Mill Drive @ Tom Sawyer Road  
 STOP on Tom Sawyer Road @ Sawyer Ranch Road  
 STOP on White Wash Way @ Sawyer Ranch Road  
 STOP on White Wash Way @ Old Mill Drive  
 STOP on Becky's Way @ Old Mill Drive  
 STOP on Becky's Way @ Huck Finn Trail  
 STOP on Huck Finn Trail @ Old Mill Drive  
 STOP on Steamboat Crossing @ Huck Finn Trail  
 STOP on Potter's Point @ Huck Finn Trail  
 STOP on Joe Harper Court @ Huck Finn Trail  
 STOP on Flat Boat Circle @ Joe Harper Trail  
 STOP on McDouglas Cove @ Huck Finn Trail  
 STOP on Huck Finn Trail @ both intersections with Tom Sawyer Road

**DISCUSSION REGARDING ADOPTION OF CHAPTER 132, TEXAS LOCAL GOVERNMENT CODE, TO AUTHORIZE HAYS COUNTY ELECTED AND PRECINCT OFFICERS TO ACCEPT CREDIT CARD PAYMENTS FOR FEE, FINE, COURT COSTS OR OTHER CHARGE WITH A TOTAL CUMULATIVE FEE NOT TO EXCEED 5 PERCENT** [T1-360]

Commissioner Molenaar spoke of using only one vendor. Mrs. Dottie Johnson (vendor being used by the Tax Office) spoke of being able to provide all services needed – she has a flat fee (3%) which does not fluctuate. She explained fees above the 5% that could be charged for the services – there are processing fees and convenience fees and each could be 5%. Special Counsel Jacqueline Cullom Murphy stated that the District Clerk would like to choose her own vendor – all contracts must then be approved by the Commissioners' Court. It would have been preferable to go out for bids countywide, however, this is not required because the county is not expending any taxpayer funds. **NO ACTION TAKEN – COURT MEMBERS FELT LIKE A WORKSHOP IS NEEDED TO DISCUSS THIS MATTER.**



**DISCUSSION REGARDING SETTING COUNTY POLICY ON RESALE OF PROPERTY HELD IN TRUST** [T1-639]

Tax Assessor-Collector Luanne Caraway and Delinquent Tax Attorney Carol Garcia appeared before the court. Luanne Caraway spoke of need for a policy offering the property for sale at private/public auction – prior sale would require payment of 100% due. Carol Garcia spoke of this being a private sale at a public location. She presented a resolution for the court to consider adopting. Luanne Caraway advised that this resolution would also be presented to the other taxing entities for approval. No action at this time – court members needed time to consider the resolution.

**21399 ACTION REGARDING ASSIGNMENT OF ADDITIONAL OFFICE SPACE TO THE DISTRICT ATTORNEY'S OFFICE AT THE HAYS COUNTY JUSTICE CENTER** [T1-785]

Kyle Maysel, President of the Hays County Bar Association, spoke of office space (Room 180) being requested by the District Attorney for his additional prosecutor. He spoke of this being a multipurpose room used by many people for different reasons – the bar association has provided the table, chairs, and a TV-VCR as a public service – he explained why other areas of the building could not be utilized the same way Room 180 is. [T1-962] **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to sit down with the District Attorney and the Hays County Bar Association and come back to Commissioners' Court with a resolution. All voting "Aye".**

**21400 APPROVE FUNDING OF THE CALABOOSE AFRICAN AMERICAN HISTORY MUSEUM FROM SPECIAL PROJECTS LINE ITEM IN PCT. 1 BUDGET** [T1-977]

Commissioner Ingalsbe spoke in support of this request – she is willing to use her special projects funds in the amount of \$1,425 to fund this request. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve funding in the amount of \$1,425 for the Calaboose African American History Museum from special projects line item in Precinct 1 budget. All voting "Aye".**

**21401 AUTHORIZE FUNDING AND INSTALL A DOOR LEADING INTO COURTROOM IN PRECINCT 3** [T1-1034]

Commissioner Burnett spoke of security concern from Judge Cable since renovation of the building. Installation of door will be paid for out of courthouse security line item #29-636-5741. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize expenditure of \$200.00 out of Courthouse Security line item #29-636-5471 to install a door leading into J.P. Pct. 3 courtroom. All voting "Aye".**

**21402 WAIVE ENVIRONMENTAL HEALTH FEES FOR SOUTH HAYS COUNTY ESD** [T1-1082]

**A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to waive environmental health fees for the South Hays County Emergency Services District. All voting "Aye".**

**DISCUSSION REGARDING COUNTY COMMISSIONER'S AUTHORITY IN THEIR PRECINCT AND COMMISSIONER COURT AUTHORITY OVER COUNTY ROADS AND FURTHERMORE COUNTY AUTHORITY TO MAINTAIN ROADS AND STREETS IN MUNICIPALITIES** [T1-1100]

Commissioner Carter spoke of talking to attorneys at Texas Association of Counties and the Attorney General's office regarding maintaining roads in municipalities. She made reference to the Transportation Code and feels like we can provide maintenance to Graef Road based on the information she has received. Special Counsel Jacqueline Cullom Murphy spoke of her concerns about expending funds for a road in city limits. Commissioner Carter spoke of maintenance of county roads in city limits. [T1-1560] Suzanne Williams spoke of AG Opinion 89-49 & 89-36. Jacqueline Cullom Murphy spoke of court entering into an interlocal agreement in Nov. 1993 with the City of Niederwald. Commissioner Molenaar spoke of not having the money and manpower to maintain roads within city limits and he spoke of interlocal agreements. Road Supt/Engineer Jerry Borcharding spoke of a city annexing a portion of existing county roads – he needs direction from the court – most of the cities understand that if a previous county road is completely contained in their city limits, it will become their responsibility – what happens with roads that are partially in and out of city limits? Commissioner Burnett stated that the county "may" continue to maintain that roadway – it would be at the courts discretion. Commissioner Ingalsbe advised that she would not recommend maintaining roads in city limits. Jacqueline Cullom Murphy spoke of LGC 41.0015 which requires notification of annexation and disannexation in order to update county maps. Jacqueline Cullom Murphy stated that staff recommends amending the courts policy to authorize continued county maintenance when annexation is along one side of a roadway but require an interlocal agreement to maintain a road with annexation on both sides.



[T1-1437] Commissioner Burnett introduced Horizons Director Judy Brown and Horizon students (3<sup>rd</sup> & 4<sup>th</sup> graders) from Crockett Elementary who are studying the history of San Marcos and Hays County. He gave his appreciation for their visit.

**Clerk's Note: Agenda Item #17 RE:** AUTHORIZE THE HAYS COUNTY JUDGE TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF NIEDERWALD FOR THE MAINTENANCE OF NIEDERWALD'S ROADS **was PULLED.**

**Clerk's Note: Agenda Item #18 RE:** EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL REGARDING HAYS COUNTY V. JOSEPH ALEXANDER, CAUSE NO. 6944-C, HAYS COUNTY COURT AT LAW **was PULLED.**

**Court was adjourned.**

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I, LEE CARLISLE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on OCTOBER 28, 2003.



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LEE CARLISLE, COUNTY CLERK AND EXOFFICIO  
CLERK OF THE COMMISSIONERS' COURT OF  
HAYS COUNTY, TEXAS

