



NOVEMBER 4, 2003

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 4th DAY OF NOVEMBER A.D., 2003, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

WITH THE FOLLOWING MEMBER ABSENT: COUNTY JUDGE JAMES L. POWERS; AND WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Molenaar presided over the meeting due to the absence of the County Judge. He called the meeting to order and gave the invocation. Commissioner Burnett led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION BY BILL GILL AND CATHY STEVENS OF THE CLEAN AIR FORCE ON THE EARLY ACTION COMPACT

Bill Gill (CAPCO representative) spoke of creating the clean air early action plan. He spoke of having a monitor in Dripping Springs – need to stay below the standard. He spoke of consequences of ozone levels. The majority of emissions come from vehicles (50%) and construction equipment. He went over list of ways to reduce emissions. The clean air plan must be presented to TCEQ. He spoke of various programs. Deanna Altenhoff (Clean Air Force) spoke of a public involvement campaign that is going on at this time. A survey is available on their web site [www.cleanairforce.org] and a TV campaign is ongoing – survey is due on Nov. 15th.

Court convened into closed executive session at 9:30 a.m. and reconvened into open meeting at 10:30 a.m.

JOINT EXECUTIVE SESSION WITH THE HAYS COUNTY JUVENILE BOARD PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE OPTIONS RELATING TO THE HAYS COUNTY JUVENILE DETENTION FACILITY. ACTION MAY FOLLOW IN OPEN COURT [T1-317]

Commissioner Molenaar advised that no action will be taken on this agenda item.

21403 PUBLIC HEARING WITH ACTION TO REVISE THE HAYS COUNTY TRANSPORTATION PLAN REGARDING PROPOSED ALIGNMENT OF THE SAN MARCOS LOOP (STATE HIGHWAY 110) [T1-326]

Commissioner Molenaar declared the public hearing open. Judge N. T. Wright (Caldwell County Judge) spoke of part of the proposed alignment being in Caldwell County – he encouraged the court to stop the process until they meet with Caldwell County Commissioners' Court. Commissioner Burnett advised that the process started in the 1960's – the State has to approve the final alignment – he agrees that Caldwell County must be included in the process. [T1-444] Ronnie Duesterheft (Caldwell County Commissioner Pct. 3) spoke of being on the commissioners' court when the State Minute Order was signed. He stated that he would like to be more informed so that he can decide if he is for or against the project. [T1-498] Rae Josey (River Bend HOA) spoke in opposition to the loop. [T1-531] Bruce Jennings (River Bend property owner) voiced his concerns about the location of the loop – he is concerned about increased flooding. [T1-602] Dianne Wassenich (San Marcos River Foundation) spoke of their board needing more information regarding this project and she asked if the county is aware of flooding in the Highway 80 area. Commissioner Burnett advised that this is a county hearing and not a required TxDot [Texas Dept. of Transportation] public hearing – the design of the road is by TxDot and they will hold two full public hearing as required during the environmental process. [T1-692] Lila Knight (Kyle resident) spoke in opposition to this project – she feels like it will adversely affect archeological resources and is concerned about the cost of this project. [T1-752] Jo Sherrill Lane (lives on CR266) spoke in opposition to the proposed loop. [T1-772] Sabas Avila (City of San Marcos Engineer) spoke in support of the loop – it will provide regional mobility to the area – they have been working with the county and TxDot. The City of San Marcos will participate in this project. There is portion of the project in Caldwell County that is owned by the City. The loop is further east due to the existing constraints (established subdivisions, environmentally sensitive San Marcos River, existing cemeteries and historically significant issues). [T1-890] Gaylord Bose (San Marcos resident) spoke in support of the loop project – he feels like the traffic congestion coming from SH80 & SH123 will continue to increase and the loop would keep this traffic from coming into the bottleneck in San Marcos.



Sabas Avila spoke of the City of San Marcos having a computer model to forecast future traffic figures. [T1-1052] James McLean (Spring River Estates – Caldwell County) voiced his objections to the proposed route because of crossing at the San Marcos River – he feels like SH130 will take care of some of the traffic congestion. [T1-1105] Abe Jaquez (Spring River Estates – Caldwell County) spoke in opposition to this proposed loop – he does not want this to be in his backyard – he is concerned about flooding. No further public input was received and the public hearing was closed. [T1-1159] Commissioner Burnett spoke of public hearings to be held by TxDot on this project – they will show several alignments. He spoke of this area being a desired development zone and we are working on alignments that will preserve future right-of-way. There will be required TxDot public hearings in the environmental process. There are constraints in the early alignment. Commissioner Ingalsbe suggested that the court consider and take action only on the portions of the loop in Hays County. Commissioner Burnett spoke of need to set up a meeting with Caldwell County which would include TxDot personnel – the alignment we are proposing at this time does not go over anyone's house. [T1-1287] **A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to revise the Hays County 2025 Transportation Plan regarding FM110 East to reflect the Hays County preferred alignment, only the portions within Hays County. Commissioner Ingalsbe, Commissioner Burnett, and Commissioner Molenaar voting "Aye". Commissioner Carter voting "No".**

21404 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 \$ 489,535.84 as presented by the County Auditor. All present voting "Aye".

21405 APPROVE SUBAWARD AGREEMENT WITH TEXAS STATE UNIVERSITY – SAN MARCOS RELATING TO THE ADVANCED LAW ENFORCEMENT RAPID RESPONSE TRAINING (ALERT) PROGRAM TO PROVIDE FUNDING TOTALING \$76,264.00 TO HAYS COUNTY

Statement of Work: Sgt. Burns provides training and support for the ALERT project. Budget: Salary/Benefits for Sgt. David Burns = \$76,264.00. **A motion was made by Commissioner Burnett, Seconded by Commissioner Molenaar to approve sub-award agreement with Texas State University – San Marcos relating to the Advanced Law Enforcement Rapid Response Training (ALERT) Program to provide funding totaling \$76,264.00 to Hays County. All present voting "Aye".**

21406 APPROVE THE SPECIFICATIONS FOR "ANNUAL CONTRACT FOR AIR CONDITIONING AND HEATING SERVICES" 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 Contract for Air Conditioning and Heating Services" and authorize Purchasing to solicit for bid and advertise. All present voting "Aye".

21407 APPROVE THE SPECIFICATIONS FOR "A POLICE MOTORCYCLE FOR THE HAYS COUNTY SHERIFF'S DEPT." AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve specifications for "A Police Motorcycle for the Hays County Sheriff's Dept." and authorize Purchasing to solicit for bid and advertise. All present voting "Aye".

21408 ACCEPT INTERNAL EXAMINATION OF HAYS COUNTY CIVIC CENTER AND HAYS COUNTY SHERIFF'S OFFICE

A motion was made by Commissioner Burnett, Seconded by Commissioner Molenaar to accept internal examination of Hays County Civic Center and Hays County Sheriff's Office. All present voting "Aye".

21409 [PCT. 4 #03-4-045] RIM ROCK PHASE 1 SECTION 1 (82 LOTS) * APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SECURITY [T1-1392]

Environmental Health Director Allen Walther advised that this is a phase development on FM1826 – he gave staff recommendation for final plat approval and accept construction fiscal security. **A motion was made by Commissioner Molenaar, Seconded by Commissioner Burnett to approve final plat and accept construction fiscal security for "Rim Rock Phase 1 Section 1". All present voting "Aye".**



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21410 [PCT. 4 #03-4-076] **BELTERRA PHASE 2 SECTION 2 (124 LOTS) – APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SECURITY** [T1-1410]

Environmental Health Director Allen Walther advised that this is a phased development and he gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat and accept construction fiscal security for “Belterra Phase 2 Section 2”. All present voting “Aye”.**

21411 **PUBLIC HEARING WITH ACTION TO REVISE THE HAYS COUNTY SUBDIVISION AND DEVELOPMENT REGULATIONS** [T1-1455]

Commissioner Molenaar declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther spoke of proposed revision under Article VII would read: 7. Street Design and Construction. *The design and placement of all new streets and roads, and the dedication of related rights of way, shall comply with the Hays County Transportation Plan.* The intent of this revision is to provide for right-of-way. Commissioner Carter suggested calling it a “thoroughfare plan” rather than a “transportation plan”. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to revise the Hays County Subdivision and Development Regulations by revising Article VII Street Design and Construction by adding “The design and placement of all new streets and roads, and the dedication of related rights of way, shall comply with the Hays County Thoroughfare/Transportation Master Plan”. All present voting “Aye”.**

Court convened into closed executive session at 12:00 noon and upon completion recessed until 1:30 p.m. at which time they reconvened into open meeting.

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

The Court met with legal counsel regarding lawsuit styled Hays County vs. Joseph Alexander, Cause No. 6944-C in the Hays County Court at Law. No action was taken.

21412 **WORKSHOP TO DISCUSS CHAPTER 132, TEXAS LOCAL GOVERNMENT CODE, AUTHORIZING HAYS COUNTY ELECTED AND PRECINCT OFFICERS TO ACCEPT CREDIT CARD PAYMENTS FOR FEES, FINES, COURT COSTS OR OTHER CHARGES. POSSIBLE ACTION MAY FOLLOW TO ADOPT CHAPTER 132, TEXAS LOCAL GOVERNMENT CODE AND SET A PROCESSING AND/OR CONVENIENCE FEE FOR COUNTY OFFICES WITH ACTION ALLOWING ELECTED OFFICIALS TO SELECT A VENDOR OF CHOICE** [T1-1574]

Purchasing Agent Cindy Miaorka spoke of existing contract with Tax Office - the Justices of the Peace wish to get on that contract. They felt like Dottie Johnson provided them with the best and lowest fee (2.8%). There will not be any cost to the county other than the initial purchase of the credit card machines which will be paid for from JP’s technology grant. The Sheriff’s Office and the District Clerk would like to have there choice of either internet or machine. Commissioner Molenaar spoke of existing contract with Ms. Johnson – he would like to have only one vendor providing this service. Discussion was had regarding fees to be charged (processing and convenience fees). **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to set a cap not to exceed 5% for both services (processing fee & convenience fee) and allow Elected Officials to select a vendor of choice. Commissioner Ingalsbe, Commissioner Carter, and Commissioner Burnett voting “Aye”. Commissioner Molenaar voting “No”.**

21413 **ADOPT RESOLUTION ESTABLISHING POLICY FOR RESALE OF PROPERTY HELD IN TRUST** [T1-1844]

Carol Garcia, Delinquent Tax Attorney, spoke of properties that are struck off the tax roll. Struck off property shall remain in trust until the appropriate redemption period (Sec. 34.21 Property Tax Code); private bid may be received for review and any tendered bid during the redemption period must be for 100% of the taxes, penalties, interest, attorney’s fees and costs due, or it shall be automatically rejected; within 3 months of expiration of the redemption period, a private sale will be held during which the bid in trust property will be placed up for resale by Hays County. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to adopt a resolution establishing county policy for resale of property held in trust. All present voting “Aye”.**



21414 ASSIGN ROOM 180 IN THE HAYS COUNTY JUSTICE CENTER TO THE HAYS COUNTY DISTRICT ATTORNEY'S OFFICE AND DIRECT BUILDING MAINTENANCE TO ESTIMATE ANY NECESSARY RENOVATION COSTS [T1-1903]

This agenda item was incorrectly posted as Room 108 – should have been 180. District Attorney Chief Investigator Jodi Ginn advised that renovation costs can be paid out of District Attorney's discretionary funds if necessary. Brad Bailey advised that Judge Powers disagreed with Kyle Maysel (Bar Assoc. Pres.) and recommends giving the room to the District Attorney. Jacqueline Cullom Murphy stated that this room is only used once a week, on Thursdays, by the attorneys. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to assign Room 180 in the Hays County Justice Center to the Hays County District Attorney's office and direct Building Maintenance to estimate any necessary renovation costs. All present voting "Aye".**

21415 APPROVE THE HOLIDAY SCHEDULE FOR 2004 [T1-1990]

Commissioner Ingalsbe spoke of December 31st posing a problem with the tax office and county clerk's office. County Clerk Lee Carlisle spoke of proposed schedule having 15 days - he thinks new year's eve is not a holiday. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve the Holiday Schedule for 2004 minus proposed December 31st. All present voting "Aye".**

NEW YEARS DAY.....	JAN	1	THU
	JAN	2	FRI
MARTIN LUTHER KING'S BIRTHDAY.....	JAN	19	MON
PRESIDENT'S DAY.....	FEB	16	MON
GOOD FRIDAY.....	APR	9	FRI
MEMORIAL DAY.....	MAY	31	MON
INDEPENDENCE DAY.....	JUL	5	MON
LABOR DAY.....	SEP	6	MON
COLUMBUS DAY.....	OCT	11	MON
VETERAN'S DAY.....	NOV	11	THU
THANKSGIVING.....	NOV	25	THU
	NOV	26	FRI
CHRISTMAS.....	DEC	23	THU
	DEC	24	FRI

21416 DIRECT THE ROAD DEPARTMENT TO MAINTAIN ONLY THOSE COUNTY ROADS, OR ROAD SEGMENTS, OUTSIDE MUNICIPAL CORPORATE BOUNDARIES UNLESS AN INTERLOCAL AGREEMENT HAS BEEN APPROVED BY A MAJORITY VOTE OF THE COMMISSIONERS' COURT [T1-2067]

Commissioner Carter spoke of not having an accurate map of city limits and GASB (Governmental Accounting Standards Board) required road list – she would like postponement until those items have been approved by the court. Road Supt/Engineer Jerry Borcharding spoke of need to know the limits of county roads before he can put a value on the roads for the GASB Inventory list. They are working on determining city boundaries in order to create an accurate county road list. County Clerk Lee Carlisle spoke of the referenced road maintenance list in the county clerk's office - it is only an "index" – a tool for research. Commissioner Carter spoke of liability issues associated with interlocal agreements. Commissioner Molenaar spoke in support of interlocal agreements. He stated that this action is instructing the Road Dept. to not perform road maintenance in city limits without authorization from the court. Road Supt/Engineer Jerry Borcharding spoke of need for clarification regarding road maintenance in City limits. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to direct the Road Department to maintain only those county roads, or road segments, outside municipal corporate boundaries unless an interlocal agreement has been approved by a majority vote of the Commissioners' Court. Commissioner Ingalsbe, Commissioner Burnett, and Commissioner Molenaar voting "Aye". Commissioner Carter voting "No".**



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DISCUSSION REGARDING ESTABLISHED PROCEDURE THAT A ROAD SHALL REMAIN ON THE HAYS COUNTY ROAD MAINTENANCE LIST UNLESS REMOVED BY COMMISSIONERS' COURT ACTION PURSUANT TO CHAPTER 251 OF THE TEXAS TRANSPORTATION CODE [T1-2502]

Commissioner Carter spoke of funds being earmarked for state highways instead of being using for road maintenance in city limits. She feels like we have every right to maintain a county road that goes into a city limits. She referred to Attorney General's Opinions (JC0503). Special Counsel Jacqueline Cullom Murphy spoke of Gov Code Section 125.012 County Authority in Municipalities – the county has the discretion to work within the city limits – we must have permission of the city government – when the city annexes the county is deprived of any authority over the roads. Commissioner Carter spoke of Transportation Code Chapter 251.051 regarding discontinuance of county roads. Commissioner Burnett disagreed with Commissioner Carter's interpretation of the law. Commissioner Carter stated that she has been right on most lawsuits we have been involved in.

21417 CANCEL HAYS COUNTY COMMISSIONERS' COURT ON TUESDAY NOVEMBER 11, 2003 IN OBSERVANCE OF VETERANS DAY [T1-

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to cancel Hays County Commissioners' Court on Tuesday November 11, 2003 in observance of Veterans day. All present voting "Aye".

COURT WAS ADJOURNED.

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 **NOVEMBER 4, 2003.**



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

