



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 27TH DAY OF JANUARY A.D., 2004, 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 INGASLBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

21547 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 243,045.90 as presented by the County Auditor. All voting "Aye".

21548 APPROVE BUDGET AMENDMENT #04-10

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 04-10 as proposed by the County Auditor. All voting "Aye".

CLERK'S NOTE: AGENDA ITEM #3 RE: APPROVE UTILITY PERMITS was pulled - no permits were submitted for approval

21549 EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE ISSUES RELATING TO THE HEATHERWOOD DEVELOPMENT PROJECT

Court convened into closed executive session at 9:05 a.m. to meet with legal counsel to discuss and deliberate issues relating to the Heatherwood Development Project. The court reconvened into open meeting at 10:00 a.m. [T1-38] Commissioner Molenaar spoke of requesting an attorney general's ruling regarding the development under the Condominium Regime. Commissioner Carter stated that the bottom line is that no permits are to be issued until we get clarification. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to direct the court and staff to not do anything until we get back an Attorney General's ruling of what we can do and what we can't do. All voting "Aye".**

PUBLIC COMMENT

[T1-60] Cheryl Norton appeared regarding Law Enforcement Appreciation Day (LEAD 2004) to be held March 22, 2004 at the San Marcos Airport Commemorative Air Force Hanger. Admission is free and there will be law enforcement demonstrations and displays, Bar-B-Q, live and silent auctions, raffle, and children's activities.

[T1-121] David Badal spoke of Gold Road in Wimberley which is creating a safety hazard at its intersection with Ranch Road 12 - he recommends that the county or state asphalt (250' X 14') the entrance of Gold Road - he feels like the cost would be approximately \$7,000. Commissioner Burnett stated that Gold Road is a private road and he will pass this information on to the State. There is a section of RR12 that is being widened.

[T1-208] Susan Cook spoke in opposition to the development (Heatherwood) occurring on East Gatlin Creek Road. She submitted her comment in writing to the Clerk.

[T1-297] Paula Renfro (resident of East Gatlin Creek Road) asked the court to regulate the Heatherwood development - density is the issue - there is no public water supply. Another big concern is that this project may be grand-fathered. Commissioner Molenaar advised that the court has no authority to regulate density except under our wastewater rules and we are limited in what we can do there. The attempt being made is to find out where we can and cannot regulate.

[T1-386] Charles O'Dell spoke of open meetings act - he quoted from the act.

[T1-460] Jason Falk spoke of his concern about a wet weather creek and the Heatherwood development - he is for smart growth that allows for conservation of water and land. He spoke of need to interpret the code in a way to protect the people.



21550 [PCT 4. #04-4-004] **HILLVIEW ADDITION RESUBDIVISION OF LOTS 9A & 10 (4 LOTS) * APPROVE PRELIMINARY PLAN** [T1-498]

Environmental Health Director Allen Walther advised that this is a reconfiguration of two parcels – he gave staff recommendation for preliminary approval. Two of the lots have independent access. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve preliminary plan for “Hillview Addition Resubdivision of Lots 9A & 10”. All voting “Aye”.**

21551 [PCT. 4 #01-4-044A] **SIERRA WEST SECTION 3 * RELEASE THE MAINTENANCE FISCAL SECURITY FOR SUBDIVISION ROAD AND DRAINAGE IMPROVEMENTS AND ACCEPT ROADS INTO THE COUNTY MAINTENANCE SYSTEM** [T1-530]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to release the maintenance fiscal security for road and drainage improvements in “Sierra West Section 3” and accept the roads into the county maintenance system. All voting “Aye”.**

21552 [PCT. 4 #03-4-034] **SIERRA WEST SECTION 4B * ACCEPT ROAD AND DRAINAGE IMPROVEMENTS, RELEASE THE CONSTRUCTION FISCAL SECURITY FOR SUBDIVISION ROAD AND DRAINAGE IMPROVEMENTS AND ACCEPT THE MAINTENANCE FISCAL SECURITY FOR A PERIOD OF TWO YEARS** [T1-545]

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to accept road and drainage improvements, release the construction fiscal security for road and drainage improvements, and accept the road maintenance fiscal security for a period of two years for the “Sierra West Section 4B” subdivision. All voting “Aye”.

21553 **ACTION TO REQUEST STAFF TO CREATE A SCOPE OF WORK AND CONTRACT TO EVALUATE MULTI-USE DEVELOPMENT** [T1-556]

Charles O'Dell spoke of court having a lot of legal opinions which have not slowed down the progress of the Heatherwood development – nothing has been done about the suitability letter that was sent that provided the developer with the CZP from TCEQ. Commissioner Carter spoke of developer not following TCEQ rules (no proper sediment and erosion control) and she spoke of letter sent to Commissioners from Allen Walther requesting guidance from the court. She feels like the David Brooks letter clearly states that Heatherwood is a development that falls under the county subdivision rules. Commissioner Burnett spoke of not having anything in our current rules addressing condominiums or rental developments – we need legal assistance to help us develop specific rules for this type of development. Special Counsel Jacquelyn Cullom Murphy spoke of need to develop a scope of service for legal counsel. [T1-818]

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to request Special Counsel and Environmental Health Director Allen Walther to create a scope of work and contract to evaluate multi-use development and to ask David Brooks to attend the public hearing next week. All voting “Aye”.

21554 **APPROVE AN INTERLOCAL AGREEMENT WITH THE CITY OF DRIPPING SPRINGS PROVIDING FOR SUBDIVISION REGULATION WITHIN THE ETJ OF THE CITY OF DRIPPING SPRINGS** [T1-856]

Commissioner Molenaar spoke of meetings with the City of Dripping Springs. Environmental Health Director Allen Walther spoke of circumstances in each city being different - Dripping Springs has a very large ETJ but is a very small city – we have come up with an agreement that is mutually beneficial to the city and the county and also provides for the requirements under the law. He gave staff recommendation for approval. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve an interlocal agreement with the City of Dripping Springs providing for subdivision regulation within the ETJ of the City of Dripping Springs. All voting “Aye”.**

21555 **APPROVE AN INTERLOCAL AGREEMENT WITH THE CITY OF AUSTIN PROVIDING FOR SUBDIVISION REGULATION WITHIN THE ETJ OF THE CITY OF AUSTIN** [T1-1010]

Environmental Health Director Allen Walther spoke of negotiations and discussion with legal staff in Austin – we are deferring to the City of Austin - he gave staff recommendation for approval. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve an interlocal agreement with the City of Austin providing for subdivision regulations within the ETJ of the City of Austin. All voting “Aye”.**



21556 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR UP TO \$22,127 TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, JUVENILE ACCOUNTABILITY BLOCK GRANT PROGRAM, AND TO EXECUTE CONTRACT [T1-1052]

Grants Administrator Richard Salmon advised that a grant application will be made to the Office of the Governor – Criminal Justice Division – Juvenile Accountability 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 2nd drill instructor for the “Day Boot Camp” at Hays Consolidated ISD. The County is allocated \$13,569 from the state and the City of San Marcos is allocated \$8,558 for a total of \$22,127. 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. The county will receive 10 percent of the grant as administration funds. **A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to approve resolution authorizing the County Judge to submit a grant application for up to \$22,127.00 to the Office of the Governor, Criminal Justice Division, Juvenile Accountability Block Grant Program and to execute a contract. All voting “Aye”.**

Clerk’s Note: Agenda Item #11 RE: 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 ISSUES RELATING TO THE HAYS COUNTY JUVENILE DETENTION FACILITY was PULLED.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE IN RE SUZY BANKS, CAUSE NO. 04-0032, 22ND JUDICIAL DISTRICT COURT

The court convened into closed executive session at 11:05 a.m. pursuant to Section 551.071 of the Texas Government Code, to meet with legal counsel to discuss and deliberate In Re: Suzy Banks, Cause No. 04-0032, 2nd Judicial District Court. Upon completion of closed session, the court reconvened into open meeting at 11:15 a.m. No action was taken.

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 JANUARY 27, 2004.



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

