



STATE OF TEXAS □  
 COUNTY OF HAYS □

**ON THIS THE 18<sup>TH</sup> DAY OF JANUARY A.D., 2000, 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. Commissioner Molenaar gave the invocation and Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

**PRESENTATION BY GUINN & MORRISON CONCERNING REDISTRICTING IN HAYS COUNTY [T1-30]**

David Guinn, Law Professor at Baylor University in Waco, spoke of census process and dramatic growth in Texas (estimated at 20,500,000). He spoke of growth in the area of Hays County and along IH 35 & IH 45 corridor. As of January 1, 1999 statistical samples indicate a population of 91,887 (a percentage growth of 40%) in Hays County. He spoke of the City of San Marcos having 44% of the population in Hays County. He spoke of it being mandatory to honor "one person - one vote". Supreme Court has told us to keep tolerances within 10% plus or minus. [T1-128] Each Commissioner precinct should have substantially the same number of people – 5% above in one and 5% below in another. We are not balancing voters, we are balancing population. He spoke of changes in the law and pre-clearance required through the Justice Department. He spoke of minority issues that must be addressed. The process requires a great deal of openness - suggested an advisory committee to give advice - the ultimate responsibility rest with the Commissioners' Court. Suggested putting together election results for evaluation. He spoke of voting places and precincts being very important in the process. Judge Powers spoke of committee that has been created. Mr. Guinn advised that you should have a firm on board by June/July if you decide to go that route. If you do it on your own, you will need legal advise along the way. County Clerk Lee Carlisle asked if all commissioner precinct should come into the City of San Marcos? Mr. Guinn advised that a population of 100,000 would mean that each of the four precincts would need approximately 25,000 in that precinct – this would probably require you to bring the precincts into San Marcos where a majority of the population reside. The court thanked Mr. Guinn for his presentation.

**18370 ADOPT PROCLAMATION DECLARING JANUARY AS "SCHOOL BOARD RECOGNITION MONTH IN HAYS COUNTY" [T1-333]**

County Clerk Lee Carlisle read the Proclamation. San Marcos CISD members present: Hector Montenegro, Lupe Costillo, David Chiu, Bernard Callender, and John Bryant were present. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to adopt Proclamation declaring January 2000 as "School Board Recognition Month in Hays County". All voting "Aye".

**PROCLAMATION  
 OF THE HAYS COUNTY COMMISSIONERS' COURT**

**WHEREAS**, the mission of the public schools is to meet the diverse educational needs of all children and to empower them to become competent, productive contributors to a democratic society and an ever-changing world; and

**WHEREAS**, local school board members are committed to children and believe that all children can be successful learners and that the best education is tailored to the individual needs of the child; and

**WHEREAS**, local school board members work closely with parents, education professionals and other community members to create the educational vision we want for our students; and

**WHEREAS**, local school board members are responsible for ensuring the structure that provides a solid foundation for our school system; and

**WHEREAS**, local school board members assure the assessment of students, school staff, and educational programs and are accountable to the community; and

**WHEREAS**, local school board members are strong advocates for public education and are responsible for communicating the needs of the school district to the public and the public's expectations to the district;

**NOW, THEREFORE, BE IT PROCLAIMED**, that the Hays County Commissioners' do hereby declare its appreciation to the members of the **San Marcos, Hays, Wimberley, and Dripping Springs** school boards and proclaim the month of January 2000 as:

**SCHOOL BOARD RECOGNITION MONTH**

In Hays County and urges all citizens to join us in recognizing the dedication and hard work of local school board members and in working with them to mold an education system that meets the needs of both today's and tomorrow's children.

Adopted this the 18<sup>th</sup> day of January 2000  
HAYS COUNTY COMMISSIONERS' COURT MINUTES



**JANUARY 18, 2000**

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**18371 APPROVE THE COMMISSIONERS' COURT MINUTES OF JANUARY 11, 1999**

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve the Commissioners' Court Minutes of January 11, 2000 as presented by the County Clerk. All voting "Aye".

**18372 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 \$274,707.44 as presented by the County Auditor. All voting "Aye".

Fines	\$ 180.00	Treasurers Ofc	\$ 1,241.07	Extension Office	\$ 127.66
Juvenile Probation	\$ 135.00	Indigent Care	\$ 52.70	Transfer Station	\$ 895.37
Building Mtc Dept	\$ 6,876.83	Environmental Health	\$ 499.15	Civic Center	\$ 395.19
Countywide Operating	\$ 174,012.04	Tax A/C	\$ 454.06	District Clerk	\$ 530.32
County Clerk's Office	\$ 399.00	Sheriff's Office	\$ 10,856.18	Jail Operations	\$ 15,751.59
Co Court at Law 1	\$ 154.33	District Attorneys Ofc	\$ 1,725.26	J.P. 2	\$ 92.43
J.P. 3	\$ 131.53	J.P. 4	\$ 44.00	J.P. 5	\$ 171.30
DPS	\$ 316.11	Constable 1	\$ 167.62	Constable 2	\$ 39.62
Constable 3	\$ 37.30	Constable 4	\$ 133.62	Constable 5	\$ 86.95
District Court Operations	\$ 1,474.00	Co & JP Court Oper	\$ 368.07	Computer Services	\$ 40,369.12
Fire Marhsal/EMC	\$ 89.69	TABC Office	\$ 231.84	District Crt Reporters	\$ 71.55
Assoc Judge/Family Law	\$ 28.95	Special Counsel Ofc	\$ 31.75	CJD/VOCA Grant	\$ 109.42
CJD/VAWA Grant	\$ 21.66	CJD/Truancy Officer Grant	\$ 1,129.59	Title IV*E Juv Prob Grant	\$ 2,652.60
LCRA/Fire Marshal Grant	\$ 49.00	Gen Fund Credit	<\$69.43>	Road & Bridge Oper	\$ 4,314.75
Precinct 1	\$ 75.26	Precinct 2	\$ 303.08	Rec Mng/Co Clerk	\$ 377.20
Health Svcs Grants	\$ 217.19	Law Library Fund	\$ 394.38	Hays Co I&S Fund	\$ 609.50
Courthouse Security	\$ 100.75	Sheriffs Drug Forfeiture	\$ 2,261.26	Family Health Svcs	\$ 599.67
Stellar Plastics Grant	\$ 2,072.63	Tobacco Settlement Fund	\$ 1,317.73		

**Clerk's Note:** Agenda Item #5 RE: BUDGET AMENDMENT NO. 99-037 was pulled – no action was taken.

**18373 APPROVE BUDGET AMENDMENT NO. 00-08**

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 00-08 as proposed by the County Auditor. All voting "Aye".

					AMENDMENT NO. <u>2000-08</u> FY 2000 BUDGET <u>01-18-00</u>	
FUND NO. <u>01</u>						
FUND TITLE <u>GENERAL FUND</u>						
		APPROPRIATION	<u>AMENDMENT</u>		APPROPRIATION	
		BEFORE			AS	
<u>LINE ITEM - EXPENDITURES</u>			<u>AMENDMENT</u>	<u>INCREASES</u>	<u>DECREASES</u>	<u>AMENDED</u>
<b><u>COMPUTER SERVICES (456):</u></b>						
01-456-5413	Vehicle Maintenance	600		204		804
01-456-5421	Data Equipment Maintenance	17,000		(204)		16,796
	Transfer for needed vehicle repairs					
<b><u>COUNTY-WIDE OPERATIONS (414):</u></b>						
01-414-5740	Improv-Justice Ctr generator	-0-		2,500		2,500
01-414-5399	Contingencies	67,500		(2,500)		65,000
	Rebudget portion of authorized generator – Justice Center from FY99 to FY2000					

**Clerk's Note:** There were no Utility Permits submitted for approval.

**18374 APPROVE REFUND OF DOUBLE PAYMENTS/OVERPAYMENT OF TAXES**

Tax Assessor-Collector Luanne Caraway submitted the following applications for refund of double payment/overpayment of taxes:

Lot 197 Woodcreek Sec 9 =	\$ 2,364.64
Lot 3 Dunn Estates =	\$ 719.00
0.1271 ac. A. Turner Survey =	\$ 1,753.05
Lot 24 Rancho Encino Ph I =	\$ 524.81
Lot 25 Rancho Encino Ph I =	\$ 553.13

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve refund of double payments/overpayment of taxes as submitted by the County Tax Assessor-Collector. All voting "Aye".

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**19375 APPROVE PURCHASE OF SHELVING FOR RECORDS STORAGE IN THE AUDITOR'S OFFICE BASEMENT**

County Auditor Bill Herzog advised that he currently has many boxes of invoices stacked on each other and the boxes on the bottom are being crushed. They have also had water leak into the basement and ruin the boxes that were directly on the floor. He is responsible for the safeguarding of these records and is requesting approval to purchase shelving. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve purchase of shelving for records storage in the Auditor's office basement. All voting "Aye".

**18376            AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICES (NRCS) FOR REQUIRED CERTIFICATION OF REPAIRS TO SAN MARCOS WATERSHED SITE 5**

To receive funding from the Emergency Watershed Protection Program, contract must be signed and forwarded to NRCS before work is to begin at the dam. In September the court authorized Freese and Nichols to prepare, design drawings for construction, specifications and related documents for the repair of flood damages to Upper San Marcos Watershed Project Site 5 spillway and dam. Work being performed must be in accordance with accepted engineering practice, state requirements and NRCS engineering criteria used in Emergency Watershed Protection Program. NRCS, Freese & Nichols, and Hays County will work together to install emergency watershed protection measures to relieve hazards created by floods of October 1998. County Auditor Bill Herzog advised that funding is to come out of contingencies.

Work to be performed at an estimated cost of \$80,000: repair emergency spillway, exist dike, channel floor And outside berm toes from the crest to the end of constructed spillway on Upper San Marcos Watershed, Site no. 5.

Sponsor (Hays County) is to provide 25% of the cost of constructing the emergency watershed protection Measures. This cost is estimated to be \$20,000, and to provide in-kind contribution to design the project Including any necessary field work, develop specifications and drawing suitable for contracting the work, Solicit, award and administer contracts and inspect work performed. The maximum value of in-kind Contribution will not exceed 25% of the *actual cost* of constructing the emergency watershed protection Measures. The value of the in-kind contribution is estimated to be \$20,000

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a contract with the United States Department of Agriculture Natural Resources Conservation Services (NRCS) for required certification of repairs to San Marcos Watershed Sites. All voting "Aye".

**18377            AWARD BID TO DAVIS TRAILER & TRUCK EQUIPMENT FOR THE PURCHASE OF THREE (3) 12-14 CUBIC YARD DUMP BODY**

Bids were submitted by Davis Trailer & Truck Equip (Little Rock, AR), Maverick Equip Co. (San Antonio Tx), Fruehauf Trailer Services (San Antonio, Tx), Commercial Body Corp (San Antonio, Tx), and Hackney Fleet Truck & Trailer (Austin,Tx). Specifications have been reviewed by Road Department and recommendation is to award bid to Davis Trailer & Truck Equipment as low bidder (\$6675 per unit = \$20,675). A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to award bid to Davis Trailer & Truck Equipment for the purchase of three (3) 12-14 cubic yard dump body in the amount of \$20,675. All voting "Aye".

**18378            AWARD BID TO FREIGHTLINER OF AUSTIN FOR THE PURCHASE OF THREE (3) DIESEL POWERED CAB CHASSIS**

Bids were submitted by Santex International Trucks Inc. (San Antonio) and Freightliner of Austin (Austin). Specifications have been reviewed by the Road Department and recommendation is to award bid to Freightliner of Austin as low bidder. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to award bid to Freightliner of Austin for the purchase of three (3) diesel powered cab chassis in the amount of \$164,967.00. All voting "Aye".

**18379            EXECUTIVE SESSION TO MEET WITH LEGAL COUNSEL TO DISCUSS HAYS COUNTY WATER PLANNING PARTNERSHIP VS. HAYS COUNTY AND ACTION TO**

**REJECT SETTLEMENT OFFER AND MOVE FORWARD WITH SUMMARY JUDGMENT [T1-438]**

Court convened into closed executive session to discuss lawsuit styled: Hays County Water Planning Partnership vs. Hays County. Upon completion of closed session, the court reconvened into open meeting. Commissioner Burnett advised that a settlement offer was tendered from HCWPP to Hays County. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to reject the settlement offer from Hays County Water Planning Partnership and move forward with summary judgment. All voting "Aye".

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**18380 RUNNING ROPE SECTION 1 \* FINAL PLAT APPROVAL [T1-460]**

Allen Walther, Environmental Health Director, advised that he had questions about geological strata that the well was in and need for improved narrative on the summary and effects on surrounding wells. His concerns have been addressed in the revised summary. A Letter Of Credit has been submitted and staff recommendation is to approve the final plat. Commissioner Burnett asked about the water availability document and what happens if the results are not satisfactory. Allen Walther spoke of developer's responsibility to come to the court with a proper response on how they could address inadequacies. Allen Walther stated that as each report is submitted it will be added to the EHD's pool of information regarding the aquifers (identifying recharge areas and clearly identifying geological formations). He spoke of new data that was produced that put this well in the Trinity Formation rather than the Edwards. Commissioner Burnett voiced his concerns about water availability in this area of the county. Allen Walther advised that this is one area of the county where we don't have strong wells or quality water and many questions have been answered by the summary. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Running Rope Section 1". All voting "Aye".

**18381 EDWARDS BUSINESS PARK \* FINAL PLAT APPROVAL [T1-584]**

Environmental Health Director Allen Walther advised that a letter of credit has been submitted and he offered staff recommendation for approval of final plat. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of "Edwards Business Park". All voting "Aye".

**18382 ADOPT A PROCLAMATION IN SUPPORT OF THE SAN MARCOS PREPARATORY SCHOOL (SMPS) [T1-597]**

County Clerk Lee Carlisle read the proposed proclamation in support of the SMPS. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to adopt Proclamation in support of the San Marcos Preparatory School (SMPS). All voting "Aye".

**PROCLAMATION  
OF THE HAYS COUNTY COMMISSIONERS' COURT**

**WHEREAS, the Willie Mitchell Community Opportunity Center (Mitchell Center) Board and staff is developing a strategic plan to charter a preparatory public school in San Marcos, Hays County, Texas; and**

**WHEREAS, the San Marcos Preparatory School will be a free open-enrollment charter school, chartered by the Texas Education Agency and approved by the Texas Board of Education. The San Marcos Preparatory School will serve students K-5<sup>th</sup> in the first year, and add an additional grade each year; and**

**WHEREAS, the mission of the San Marcos Preparatory School is to educate and empower students, parents, staff, and community to think clearly; and**

**WHEREAS, the goal of the San Marcos Preparatory School is to create a small school environment that will focus on the development of each student; and**

**WHEREAS, the curriculum will be designed to address the mental, physical, emotional, and spiritual needs of each student; and**

**WHEREAS, local school board members assure the assessment of students, school staff, and educational programs and are accountable to the community; and**

**NOW, THEREFORE, BE IT PROCLAIMED, that the Hays County Commissioners does hereby declare its support of the Willie Mae Mitchell Community Opportunity Center (Mitchell Center) and the efforts of its board and staff to develop The San Marcos Preparatory School.**

**Adopted this the 18<sup>th</sup> day of January, 2000**

**18383 CALL FOR A PUBLIC HEARING ON FEBRUARY 1, 2000 TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS FOR MATHIAS LANE [T1-651]**

Commissioner Carter spoke of need for traffic regulations for Mathias Lane (speed limit). A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing On February 1, 2000 to consider establishing traffic regulations on Mathias Lane. All voting "Aye".

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**18384 APPOINT INITIAL BOARD MEMBERS TO THE HAYS COUNTY TRINITY GROUNDWATER CONSERVATION DISTRICT [T1-676]**

Commissioner Burnett spoke of Senate Bill 1 and creation of groundwater conservation districts. The Court has already taken action to set up the district and it is now time to appoint the initial board (a temporary board) until an election is held. Commissioner Burnett advised that his appointments are Jack Holland of Wimberley [member of the Wimberley Valley Watershed Alliance and active in monitoring wells and water quality in Cypress Creek and the Blanco River] and Eddie Gumbert of Wimberley [former GBRA board member]. Commissioner Molenaar advised that his appointments are Dubb Smith of Dripping Springs [has been a member on various water quality boards in Travis County] and Marshall Jennings of Dripping Springs [USGA, has studied aquifers and tested many wells, and is a SWTSU Professor]. Judge Powers stated that his appointment is Scott Roberts of Driftwood [concerned about water issues and has served on boards for the City of Austin and Travis County]. Commissioner Burnett advised that this is a temporary board that will serve until an election is held in September 2001. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to appoint Scott Roberts, Jack Holland, Eddie Gumbert, Dubb Smith, and Marshall Jennings as Initial Board Members to the Hays County Trinity Groundwater Conservation District. All voting "Aye".

**EXECUTIVE SESSION TO REVIEW AND CONSIDER APPLICATIONS FOR THE POSITION OF COUNTY ENGINEER**

The court convened into closed executive session to review and consider applications for the position of county engineer. Upon completion of the closed session, the court reconvened into open meeting. No action was taken.

**Court was adjourned.**

**MINUTES APPROVED IN OPEN COURT ON THE 25th DAY OF JANUARY, 2000.**

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

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

