



MAY 23, 2000

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STATE OF TEXAS 0
COUNTY OF HAYS 0

ON THIS THE 23rd DAY OF MAY A.D., 2000, 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
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order. Pastor Bill Burns gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

18679 APPOINTMENTS TO THE HAYS COUNTY REDISTRICTING COMMITTEE [T1-39]

County Clerk Lee Carlisle reminded the court that on June 8, 1999 an exploratory committee was appointed for the purpose of gathering statistics relating to voter and population numbers for future electoral purposes. That committee was composed of County Clerk Lee Carlisle, Tax A/C Luanne Caraway, Commissioner Pct. 1 Debbie Ingalsbe, County Judge Jim Powers (or his designee/usually Brad Bailey), Environmental Health Director Allen Walter (or his designee/Steve Floyd), CAD Chief Appraiser Pete Islas (or his designee/Cody Sperry), and Elections Administrator Joyce Cowan. The committee decided to go with in-house GIS, funds were budgeted and Steve Floyd was hired for the job. Steven has proven the value of this position by \supseteq mapping the 2025 Transportation Plan in-house, \sphericalangle by supporting Joyce Cowan with accurate maps for the Wimberley Incorporation, and \subset by providing updates on precinct road mileage, amongst other things. It is now time to move on with redistricting and the committee recommends some changes to the new redistricting committee: Steve Floyd will take the place of Allen Walther, bring in both political party county chairs, appoint Jacquelyn Collum-Murphy for legal advise and for her experience in comal county redistricting, and appoint Jeff McGill for necessary computerization. The CAD (Central Appraisal District) is not interested in the redistricting and they will be dropped off the committee. Lee Carlisle and Steve Floyd will be joint-chair and the other members will be as follows: Joyce Cowan, Jim Powers/or his representative, Debbie Ingalsbe, Luanne Caraway, Jeff McGill, Jacqueline Collum-Murphy, Charles Soechting-Hays County Democratic Party Chair/or his representative, and Stan Livingston-Hays County Republican Party Chair/or his representative. He asked that members be appointed so they can work towards the redistricting process. Anyone wanting to make a presentation will be made in the presence of the court. Commissioner Burnett asked about the process and need to budget accordingly - he feels like a law firm will need to oversee what we are doing mapping-wise. Jacqueline Collum-Murphy spoke of her responsibilities in the Comal County process and use of a law firm that specializes in redistricting. Commissioner Ingalsbe stated that the committee realizes that they will have to bring someone into the process. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to appoint Lee Carlisle (joint-chair), Steve Floyd (joint-chair), Joyce Cowan, Jim Powers/or his representative, Debbie Ingalsbe, Luanne Caraway, Jeff McGill, Jacqueline Collum-Murphy, Charles Soechting-Hays County Democratic Party Chair/or his representative, and Stan Livingston-Hays County Republican Party Chair/or his representative to the Hays County Redistricting Committee. All voting "Aye".

PUBLIC COMMENT

Max Michaelis spoke of map he saw on the internet of the proposed highway connecting Ruby Ranch to FM150. He spoke of this historic ranch that is dear to him and he is willing to exchange a lower standard of living to preserve the land and he asked the county to preserve green belts as much as possible.

18680 APPROVE THE COMMISSIONERS' COURT MINUTES OF MAY 16, 2000

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve the Commissioners' Court Minutes of May 16, 2000 as presented by the County Clerk. All voting "Aye".

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18681 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve payment of county invoices in the amount of \$ 140,511.27 as presented by the County Auditor. All voting "Aye".

Public Safety Svcs	\$ 16,774.71	Fines	\$ 232.29	Auditors Office	\$ 291.70
Grants Admin	\$ 75.32	Juvenile Prob	\$ 1,431.36	Election Admin	\$ 3,965.99
Tranfer Station	\$ 6,004.84	Building Mtc. Dept.	\$ 9,527.96	Environ Health	\$ 1,907.01
Civic Center	\$ 252.90	Countywide Oper	\$ 6,486.73	Tax A/C	\$ 749.66
District Clerk	\$ 180.45	County Clerk	\$ 285.39	Sheriffs Office	\$ 5,577.89
Jail Operations	\$ 26,692.96	County Judge	\$ 152.42	County Court at Law	\$ 155.76
District Attorney	\$ 1,973.43	J.P. 1-1	\$ 435.00	J.P. 1-2	\$ 250.09
J.P. 2	\$ 385.44	J.P. 5	\$ 438.02	DPS	\$ 375.65
Constable 1	\$ 143.57	Constable 3	\$ 13.93	Constable 4	\$ 65.04
Constable 5	\$ 86.30	District Court Oper	\$ 8,378.74	Co & JP Court Oper	\$ 1,290.30
Veterans Admin	\$ 281.37	Computer Svcs	\$ 8,273.82	TJPC Salaries	\$ 1,164.00
DPS/L&W	\$ 13.77	Fire Marshal/EMC	\$ 133.70	District Crt Reporters	\$ 312.19
TJPC CCAP Grant	\$ 3,098.07	Special Counsel	\$ 70.33	Comm Court Expenses	\$ 313.79
CJD/VOCA Grant	\$ 232.62	CJD/VAWA Grant	\$ 332.49	CJD/Truancy Ofcr	\$ 233.90
CAPCO Waste Task Force	\$ 78.76	911 Address Mtc	\$ 838.25	Title 4E Juvenile Prob Grnt	\$ 2,210.50
Juv Justice Alt Ed Grant	4 12.00	Gen Fund Credit	<\$707.06>	R&B Operations	\$ 18,039.07
Precinct 2	\$ 591.56	Precinct 3	\$ 63.96	Precinct 4	\$ 336.89
Road Reconstruction	\$ 51.28	R&B Gen Credit	<\$183.67>	Rec Mng/Co Clerk Fund	\$ 7,264.31
Health Svcs Grants	\$ 610.00	Courthouse Security	\$ 55.40	Sheriffs Drug Forf Fund	\$ 652.12
Family Health Svcs Fund	\$ 15.00	Tobacco Settlement	\$ 1,542.00		

18682 APPROVE BUDGET AMENDMENT #00-23

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Budget Amendment #00-23 as proposed by the County Auditor. All voting "Aye".

AMENDMENT NO. 00-23 FY 2000 BUDGET 05/23/00
FUND NO. 01

FUND TITLE <u>GENERAL FUND</u>				
<u>LINE ITEM - EXPENDITURES</u>	APPROPRIATION	<u>AMENDMENT</u>		APPROPRIATION
	BEFORE	INCREASES	DECREASES	AS
	<u>AMENDMENT</u>			<u>AMENDED</u>
<u>AUDITOR'S OFFICE (401):</u>				
01-401-5160 Insurance	31,383		(1,431)	29,952
<i>A/P replacement printer</i>				
<u>TAX OFFICE (415):</u>				
01-415-5461 Printing	2,000		(400)	1,600
<i>Replacement printer</i>				
<u>COUNTY JUDGE (420):</u>				
01-420-5211 Office Supply	1,500		(299)	1,201
<i>Computer upgrade</i>				
<u>JUSTICE OF THE PEACE 1-2 (425):</u>				
01-425-5335 Time Payments	5,081		(1,410)	3,671
<i>Additional printer</i>				
<u>COMPUTER SERVICES (456):</u>				
01-456-5712 Data Proc Equipment	187,717	<u>3,540</u>		191,257
		<u>3,540</u>	<u>(3,540)</u>	
<i>Transfer department costs to Computer Services for equipment purchases</i>				
<u>EXTENSION OFFICE (403):</u>				
01-403-5712 Data Equipment	900	1,300		2,200
01-403-5311 Travel	700	500		1,200
01-403-5331 Cont Ed	1,800		(500)	1,300
01-403-5101 FICA/RET	11,111		<u>(1,300)</u>	9,811
		<u>1,800</u>	<u>(1,800)</u>	
<i>Transfer personnel savings to purchase computer projector from A&M agency</i>				

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FUND NO. <u>01</u>				
FUND TITLE <u>GENERAL FUND</u>				
<u>LINE ITEM - EXPENDITURES</u>	APPROPRIATION	<u>AMENDMENT</u>		APPROPRIATION
	BEFORE	INCREASES	DECREASES	AS
	<u>AMENDMENT</u>			<u>AMENDED</u>
AMENDMENT NO. <u>00-23</u> FY 2000 BUDGET <u>05/23/00</u>				
<u>TAX OFFICE (415):</u>				
01-415-5212 Postage	31,000		6,400	
37,400				
01-415-5448 Contract Svcs	7,000			(6,400)
600				
01-415-5391 Other	500		325	
825				

01-415-5211 Office Supply	10,000	_____	(325)
9,675			
		<u>6,725</u>	<u>(6,725)</u>
Transfer for statement mailouts and equipment repair costs budgeted in other items			
CAPCO/WASTE TASK FORCE GRANT (726):			
01-726-5021 Staff	26,024		(2,933)
23,091			
01-726-5101 FICA/RET	4,334		(495)
3,843			
01-726-5160 Insurance	2,853		(2,711)
142			
01-726-5219 Supplies	300		(300)
-0-			
01-726-5346 Wrkr Comp	300		(171)
129			
01-726-5391 Other 1,000	600	1,600	
01-726-5719 Equipment	-0-	<u>9,860</u>	_____
9,860			
		<u>10,460</u>	
Transfer savings per Agency			
		<u>10,460</u>	
		<u>DECREASE</u>	<u>INCREASE</u>
REVENUE			
01-384-4726 CAPCO/TASK FORCE	16,150		<u>3,850</u>
20,000			
			<u>10,460</u>

18683 APPROVE REFUND OF DOUBLE PAYMENT/OVERPAYMENT OF TAXES

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

Hurlbut Ranch East Pt. Lot 2 Blk E	\$ 1,446.49
Wimberley Hills Sec 1 Lts pt7, 8 & 9	\$ 3,648.99

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve refund of double payment/overpayment of taxes as requested. All voting "Aye".

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

18684 AUTHORIZE PURCHASE OF REPLACEMENT DECOLLATOR (TREASURER'S OFFICE) FROM BUDGETED UNSPECIFIED FUNDS IN OFFICE EQUIPMENT

Request is to replace a decollator for check/carbon sheets separator which is not repairable – cost is \$482.00 to be taken out of Countywide Operating fund unspecified office equipment line item. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize purchase of replacement decollator for the Treasurer's office from budgeted unspecified office equipment in the Countywide Operating. Fund All voting "Aye".

18685 AUTHORIZE COUNTY JUDGE TO ACCEPT A GRANT FROM THE OFFICE OF THE GOVERNOR – CRIMINAL JUSTICE DIVISION – VIOLENCE AGAINST WOMEN ACT PROGRAM AND TO EXECUTE CONTRACT FOR \$47,027

This is a continuation grant to pay the salary of the VAWA (Violence Against Women Act) Prosecutor in the Hays County District Attorney's office. Tara S. Stanislaus is the Assistant D.A. and she prosecutes cases related to the VAWA - grant funds come from the Office of the Governor/Criminal Justice Division/Violence Against Women Act Program. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize the County Judge to accept a grant from the Office of the Governor – Criminal Justice Division – Violence Against Women Act Program and to execute a contract for \$47,027. All voting "Aye".



18686 GREAT HILLS PHASE 2 * APPROVE FINAL PLAT [T1-198]

Allen Walther, Environmental Health Director, spoke of letter from David Brooks stating his opinion: *This letter is to confirm my opinion that I have discovered no legal basis on which the commissions court may deny approval of the Great Hills subdivision plat that has been submitted to the county. Wednesday I met with Commissioner Carter and staff to review this matter. Thursday I met in Austin with legal counsel for the developer and legal counsel for property owners in the Railyard Subdivision. Nothing in these meetings raised any issues that would change my opinion. This is not to say that there may be other matters to be addressed regarding any proposed revision or partial cancellation of the Railyard plat, although this has no bearing on the Great Hills plat that is before the court.* Allen Walther gave staff recommendation for approval of final plat. Bruce Hardesty, Attorney for the Mendoza family (owners of Lot 4 Block B The Railyard Subd.), spoke of possible other entrances to the Great Hills subdivision. He spoke of dirt being moved on Lot 2 (what appears to be a road). He spoke of looking at the plat of Railyard Subdivision and Railyard Drive is a private road owned by Robert Mayo and lot owners in the subdivision. Mr.Mayo's attorney advised him that he had not received any request by others to use that roadway. Mr. Hardesty asked that developer not be allowed to use Railyard Drive or Lot 2to access the Great Hills Phase 2 subdivision – a lawsuit is pending. Commissioner Carter spoke of information she received from TAC yesterday and they said that even if Mr. Dempsey has bought property in The Railyard, it does not give him the right to use the private road for his commercial gain. There is no access from Great Hills to a county road except through the private road of The Railyard – that means, according to TAC, that this is trespassing. She feels like this is a subdivision being proposed without access, the use of a private road of another subdivision - according to TAC - constitutes trespassing, and due to the lawsuit which has an injunction against this trespassing, she believes that approval of this subdivision at this time is premature. Attorney for Great Hills developer Chris Boldt spoke of misrepresentations - there is no injunction at this time (a bond has not been filed) – he stated that his client and himself have never represented to them that they have withdrawn their request for a road across Lot 2. Moving of dirt on land that they own can in no way be a violation of any deed restrictions, if any are applicable. The road across that lot will be the commissioners' court determination. They have abandoned their request for vacation of the plat because they determined that that was not the necessary course to go along. That did not mean that they were not going to put a road along Lot 2. They will present that at a time they deem is proper. They have other means of proceeding with the development of this subdivision. Commissioner Carter asked about ownership of the private road. Chris Boldt feels like this subdivision was part of an overall plan for the development of the whole 900+ acres and that road was stubbed out to be used for the development – the commissioners' court minutes of 1997 indicate that the roads were to be built to county specifications – it was contemplated that the roads would become county roads eventually – the bond was allowed to lapse. He spoke of procedures of Local Government Code 232.005 to require the developer to make the roads up to county specs if you choose. Commissioner Carter spoke of Texas Transportation Code Section 281.003 regarding Dedication of a Private Road for Public Purposes – requires communication in writing to the commissioners' court and explicit voluntary grant of use by owners for private roads to become public roads. Chris Boldt stated that this is the first time that this issue has been raised – he believes that there is no legal impediment to prohibit the vote today. Commissioner Carter felt like all the protocol has not been examined that needs to be done to make sure that we are not approving the trespassing on private property. Commissioner Burnett asked staff if the 60 feet of right-of-way on this road would prevent further development without secondary access? Allen Walther advised that up to 250 lots could be developed on 60 ft. of ro-w. Commissioner Burnett spoke of secondary access will be worked out in a court of law, we have a letter from Attorney David Brooks saying that there is no legal basis for denying approval, and they have met everything within our subdivision rules – he asked for a vote. A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve final plat of "Great Hills Phase 2" subdivision. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

18687 APPROVE BIDS RECEIVED ON PROPERTIES HELD IN TRUST (DELINQUENT TAX PROPERTY) – WOODCREEK LOTS [T1-389]

Luanne Caraway, Tax Assessor-Collector, spoke of 3 more properties offered for purchase and bids have been approved by the Wimberley ISD:

Lot 139 Woodcreek Section 9B =	\$2,000	70% recovery
Lot 69 Woodcreek Section 20 =	\$1,230	36% recovery
Lot 175 Woodcreek Section 9B =	\$1,500	65% recovery

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to accept bids received for Lots in Woodcreek held in trust (delinquent tax property). All voting "Aye".

18688 APPROVE TEMPORARY CLOSURE OF A PORTION OF POSEY ROAD AND APPROVE DETOURS VIA MCCARTY LANE AND YORK CREEK [T1-407]

Commissioner Ingalsbe advised that this the last bond road and in order to make project go faster they are requesting temporary closure of a portion of Posey Road (from I35 to RR crossing) and to approve detours via McCarty Lane and York Creek. Commissioner Burnett asked what can be done to keep road from being closed down. County Road Supt./Eng. Jerry Bercherding advised that businesses are agreeable to road closure. Notice will be put in the newspaper and signs will be posted – closure will commence on or about May 28, 2000 and continue for approximately 4 months. Commissioner Burnett spoke of keeping roads passable. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve temporary closure of a portion of Posey Road (from I35 to RR crossing) and to approve detours via McCarty Lane and York Creek. Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Burnett voting "No".

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18689 APPROVE CONVERSION OF SUBDIVISION COORDINATOR POSITION TO AN INSPECTOR POSITION IN THE ROAD DEPARTMENT [T1-472]

Personnel Director Britney Richey spoke of currently having a position vacant (Subdivision Coordinator) - request is to convert that position to Inspector at the same Pay Grade. This position is needed in order that proper inspection of road construction efforts can be carried out. The present inspector is overwhelmed with roadway construction inspection assignments, subdivision reviews, and driveway/culvert permit reviews and inspections. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to convert Subdivision Coordinator position to an Inspector position in the Road Department. All voting "Aye".

18690 ACTION TABLED TO AMEND AGREEMENT BETWEEN HAYS COUNTY AND FREESE & NICHOLS INC. FOR THE RE-BIDDING AND CONSTRUCTION PROCESS FOR THE REPAIR OF SITE #5 DAM [T1-503]

Commissioner Burnett spoke of having advertised for bids. Purchasing Agent Debbie Bilbrey spoke of amendment to original agreement – we tried to see if the county could take over re-bid process - the Texas Professional Engineer Act requires that the engineer continue with this project. Road Supt. Jerry Borcharding spoke of reluctance for engineers to transfer responsibility to another engineer. Additional fee of \$18,300 is required for re-bidding process. Commissioner Burnett feels like they have done the work they were hired to do and they are not to oversee the project. Jerry Borcharding spoke of design work that was done by Freese & Nichols Inc. A motion was made by Commissioner Burnett, seconded by Commissioner Carter to table action to amend amendment between Hays County and Freese & Nichols Inc. for the re-bidding and construction process for the repair of Dam Site #5 at this time. All voting "Aye".

18691 EXECUTIVE SESSION PURSUANT TO SECTION 551.074 TEXAS GOVERNMENT CODE, RELATING TO PERSONNEL TO INTERVIEW APPLICANTS FOR THE POSITION OF CIVIC CENTER MANAGER AND ACTION TO HIRE [T1-609]

The court convened into closed executive session pursuant to Section 551.074 of the Texas Government Code relating to personnel matters. Upon completion of the closed session, the court reconvened into open meeting. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to hire Guy Trimble as Hays County Civic Center Manager. All voting "Aye". Commissioner Molenaar requested a workshop next week with Mr. Trimble to discuss the civic center and what is expected of him.

Court was adjourned.

MINUTES APPROVED IN OPEN COURT ON THE 30th DAY OF MAY, 2000.

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

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

