



STATE OF TEXAS □
 COUNTY OF HAYS □

ON THIS THE 8TH DAY OF AUGUST A.D., 2000, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

**JAMES L. POWERS
 DEBBIE GONZALES INGALSBE
 H. S. "SUSIE" CARTER
 RUSS G. MOLENAAR
 LEE CARLISLE**

**COUNTY JUDGE
 COMMISSIONER, PCT. 1
 COMMISSIONER, PCT. 2
 COMMISSIONER, PCT. 4
 COUNTY CLERK**

COMMISSIONER PCT. 3 WILLIAM "BILL" BURNETT WAS ABSENT,

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

18870 ADOPT PROCLAMATION RECOGNIZING "BREAST CANCER AWARENESS DAY" AND SUPPORT "HAYS COUNTY GOLF FOR THE CURE" TO BENEFIT BREAST CANCER EDUCATION, SCREENING AND EARLY DETECTION]

Gary Gartzke spoke of events to be held October 22, 2000 "Hays County Golf for the Cure" in recognition of Breast Cancer Awareness – there will be a golf tournament at Plum Creek Golf Course, other golf contests, an auction, a raffle, etc. - they are still seeking sponsorships and volunteers. Commissioner Carter read the Proclamation. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to adopt Proclamation recognizing "Breast Cancer Awareness Day" and support the "Hays County Golf for the Cure" to benefit breast cancer education, screening and early detection. All present voting "AYE".

**PROCLAMATION OF THE COMMISSIONERS' COURT
 Declaring October 22, 2000 as "Breast Cancer Awareness Day" in Hays County**

WHEREAS, breast cancer affects one in eight women; and

WHEREAS, 175,000 women will be diagnosed and 43,300 will die from breast cancer; and

WHEREAS, nine women in Hays County and 73 women in Travis County died of breast cancer in 1988; and

WHEREAS, early detection has resulted in a five year survival rate of over 95%; and

WHEREAS, a goal of the "Hays County Golf for the Cure" is to raise \$20,000 to help eradicate breast cancer as a life threatening disease in the local Austin/Hays County area by advancing research, education, screening, and treatment.

NOW, THEREFORE, BE IT PROCLAIMED that the Hays County Commissioners' Court does hereby declare its appreciation to the organizers of the "Hays County Golf for the Cure" and proclaim October 22, 2000, as:

BREAST CANCER AWARENESS DAY

in Hays County and urges all citizens to join us in support of the "Hays County Golf for the Cure's" efforts to raise funds to benefit breast cancer education, screening, and early detection in the local Austin/Hays County area.

Adopted this the 8th day of August, 2000

18871 APPROVE THE COMMISSIONERS' COURT MINUTES OF JULY 31, 2000; AUGUST 1, 2000; & AUGUST 2, 2000

Commissioner Carter spoke of need to change the minutes of August 2, 2000 on page 784 (1st paragraph - end of line 5) - change "urban" to "suburban" counties. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve the Commissioners' Court Minutes of July 31, 2000, August 1, 2000 and August 2, 2000 with recommended change (from "urban" to "suburban"). All present voting "AYE".

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18872 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Carter, Seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 317,898.99 as presented by the County Auditor. All present voting "AYE".

Rd Constr Bond Release	\$ 56,000.00	Public Safety Services	\$ 160.00	Fines	\$ 114.00
Auditor's Office	\$ 901.77	Treasurer's Office	\$ 546.99	Grants Administration	\$ 190.76
Juvenile Probation Office	\$ 759.74	Transfer Station	\$ 142.85	Bldg Mtc Dept	\$ 1,462.42
Environmental Health	\$ 284.42	Civic Center	\$ 196.00	Countywide Operating	\$ 12,638.23
Tax A/C	\$ 214.50	District Clerk's Office	\$ 267.43	Sheriff's Office	\$ 6,736.37
Jail Operations	\$ 8,108.15	County Judge's Office	\$ 209.12	County Court at Law 1	\$ 632.29
District Attorney's Office	\$ 94.35	J.P. 1-1	\$ 10.25	J.P 1-2	\$ 145.30
J.P. Pct. 3	\$ 157.03	J.P. Pct. 4	\$ 364.59	J.P. 5	\$ 517.70
DPS	\$ 409.00	Constable 1	\$ 206.38	Constable 2	\$ 268.16
Constable 3	\$ 243.41	Constable 4	\$ 23.98	Constable 5	\$ 22.51
District Court Operations	\$ 6,023.48	Co & JP Court Operations	\$ 5,732.00	Veterans Admin Office	\$ 224.94
Computer Services	\$ 5,710.57	TJPC Salaries Grant	\$ 820.00	DPS/L&W	\$ 180.43
TJPC CCAP Grant	\$ 4,300.84	Assoc. Judge/ Family Law	\$ 13.78	Special Counsel Office	\$ 205.29
Commissioners' Court Exp	\$ 21.06	CJD/VOCA Grant	\$ 1,911.89	Road & Bridge Operations	\$ 183,449.53
Precinct 1	\$ 77.02	Precinct 2	\$ 14.63	Precinct 3	\$ 799.40
Precinct 4	\$ 30.59	Road Reconstruction	\$ 15,231.83	County Engineer Office	\$ 772.65
Law Library Fund	\$ 225.50	Courthouse Security Fund	\$ 55,40	Family Health Services	\$ 70.46

Clerk's Note: The following consent agenda items were pulled – No action taken: #4 No budget amendment submitted, #5 No Utility Permits submitted, & #6 No applications for refund of overpayments and/or double payments of taxes submitted

18873 APPROVE AND CONFIRM THE APPOINTMENT OF DARRELL AYERS, AS A DEPUTY CONSTABLE FOR PRECINCT 3, PURSUANT TO SECTION 3, PURSUANT TO SECTION 85.011(A) OF THE TEXAS LOCAL GOVERNMENT CODE

Constable Pct. 3 Ron Magill submitted a written request [pursuant to Texas Local Government Code Section 86.011(a)] for the purpose of appointing Darrell Ayers as Deputy Constable. This action is to fill a vacancy in a position which has been approved and funded since March 1, 1998 – he held this position until Constable Don Amerson retired at the end of June 2000. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve and confirm the appointment of Darrell Ayers as Deputy Constable Precinct 3 pursuant to Section 86.011(a) of the Texas Local Government Code. All present voting “AYE”.

18874 APPROVE PURCHASE OF A REPLACEMENT TIRE BALANCER IN THE SHERIFF’S OFFICE AND AMEND THE BUDGET ACCORDINGLY

The tire balancer has broken and is not repairable. A new one needs to be purchased and funds are available in the vehicle repair line item. A budget amendment is required to move the money. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve purchase of a replacement tire balancer in the Sheriff’s Office and amend the budget accordingly. All present voting “AYE”.

18875 COVES OF CIMARRON SECTION 2 PHASE 5 * APPROVE FINAL PLAT [T1-119]

Environmental Health Director Allen Walther advised that road security has been filed (letter of credit) with the County Clerk’s office. He gave staff recommendation for approval of final plat. Commissioner Carter commended Michael Thames for his developments. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of “Coves of Cimarron Section 2 Phase 5”. All present voting “AYE”.

18876 LA VENTANA, PHASE 2 SECTION 2 * APPROVE REVISED FINAL PLAT [T1-133]

Environmental Health Director Allen Walther advised that this phase of La Ventana had been previously approved (4/4/00 #18577), however, it has not been recorded with the County Clerk’s office. Due to a request from the County Road Department for additional ROW on the cul-de-sacs to allow for proper maintenance for the roads, this correction is being submitted for re-approval on final vote to adjust the ROW in the cul-de-sacs. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve revised final plat of “La Ventana Phase 2 Section 2”. All present voting “AYE”.

18877 CANDLEDANCER RANCH * APPROVE FINAL PLAT [T1-162]

Environmental Health Director Allen Walther gave staff recommendation for approval of final plat. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of “Candle dancer Ranch”. All present voting “AYE”.

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18878 COTTONWOOD CREEK BUSINESS PARK SECTION 2 * APPROVE PRELIMINARY PLAT [T1-168]

Environmental Health Director Allen Walther gave staff recommendation for approval of this 1 lot commercial development. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve preliminary plat of “Cottonwood Creek Business Park Section 2”. All present voting “AYE”.

18879 WIMBERLEY HEIGHTS RESUBDIVISION OF LOT 38 * APPROVE PRELIMINARY

PLAT [T1-179]

Environmental Health Director Allen Walther includes Lot 38 plus a 0.33 acre out parcel (combined to make two lots approximately one acre in size – already developed lots. He gave staff recommendation for approval of preliminary plat. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plat of “Wimberley Heights Resubdivision of Lot 38”. All present voting “AYE”.

18880 HOMESTEAD @ GATLIN CREEK * APPROVE PRELIMINARY PLAT [T1-191]

Environmental Health Director Allen Walther gave staff recommendation for approval of preliminary plat . A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plat of “Homestead @ Gatlin Creek”. All present voting “AYE”. [ROADS: Northpoint Drive, Ligustrum Court, & Crepe Myrtle Court]

18881 ACCEPT THE ROADS IN THE NORTHPOINT SUBDIVISION, SECTION 4 FOR COUNTY MAINTENANCE [T1-216]

Environmental Health Director Allen Walther advised that the roads in the Northpoint Subdivision are being reconstructed and after reviewing their records it was discovered that the roads in Section 4 had not been officially accepted for county maintenance. Through error and/or oversight, the developer failed to come before the court and ask the county to accept those roads for county maintenance. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to accept the roads in the Northpoint Subdivision Section 4 for county maintenance. All present voting “AYE”.

DISCUSSION REGARDING ADDITION OF ACCOUNTANT POSITION [T1-236]

The County Auditor and Treasurer would like to create an additional accountant position to be a liaison between the two offices. This is a response to the recommendations of Armstrong, Vaughan & Associates in the audit performed for the fiscal year ending September 30, 1999. The proposed position would be created to address the issues noted in the audit report and focus on timely and accurate reporting. The position would be funded equally out of both offices – there is adequate funding in both offices to accommodate this position in this fiscal year. County Auditor Bill Herzog spoke of having hired Britney Richey (former Human Resources Coordinator) to fill the vacant accountant position that they have been unable to fill. The workload has increased and more accounting staff is needed. The Treasurers office could use a position with more accounting expertise and they could share the position. There is a problem in the current salary structure which prevents them from hiring a qualified person. This position is not funded in the FY2001 budget. County Treasurer Michele Tuttle spoke of increased workload and deadlines that must be met - she will be hiring a new bookkeeper. \$35,000 (salary plus fringe benefits). Need to figure out how this position can be funded FY2001.

18882 CONSIDER BID ON PROPERTY HELD IN TRUST [T1-330]

Tax Assessor-Collector Luanne Caraway advised that a \$4,500 bid has been received for Lot 4 Block 2 Carroll & Hofheinz Addition which reflects a 28% judgment recovery. The assessed value of the land and house is \$21,440.00, however the house has been condemned by the city and will have to be demolished and removed (cost to be incurred by owner of property). A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to accept bid offer of \$4,500.00 for Lot 4 Block 2 Carroll & Hofheinz Addition, property held in trust. All present voting “Aye”.

18883 AUTHORIZE THE COUNTY JUDGE TO EXECUTE DONATION AGREEMENTS WITH ROBERT MCDONALD, JOE MARTINEZ AND FRANK POWELL (OR A REPRESENTATIVE OF CONTINENTAL ASSOCIATES) REGARDING RECONSTRUCTION OF COUNTY ROAD 126 [T1-354]

Special Counsel Jacqueline Cullom Murphy spoke of developers that are willing to donate for road improvements - issues have been addressed and worked out. She reserves the right to make corrections (ie. typos) and addresses of developers. This agreement provides that 30 days out from construction the Road Department will send them a letter an ask for their money at that time. A motion was made by Commissioner Carter, seconded by

Commissioner Ingalsbe to authorize the County Judge to execute donation agreements with Robert McDonald, Joe Martinez and Frank Powell (or a representative of Continental Associates) regarding reconstruction of County Road 126 (Rohde Road) Commissioner Ingalsbe, Commissioner Carter, and Judge Powers voting "AYE". Commissioner Molenaar voting "NO".

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18884 APPROVE SPECIFICATIONS FOR THE RE-BID OF DEMOLITION, REMOVAL, AND DISPOSAL OF CERTAIN PROPERTIES LOCATED IN WIMBERLEY FOR THE FLOOD MITIGATION PROJECT AND AUTHORIZE PURCHASING TO SOLICIT BIDS

[T1-406] Purchasing Agent Debbie Bilbrey presented a letter of withdrawal from Master Care indicating that they were unable to acquire the necessary bonds. She asked the court to allow Purchasing to re-bid this project. They have a list of 75 demolition companies (a larger list) which hopefully will produce lower bids. A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve specifications for the re-bid of demolition, removal, and disposal of certain properties located in Wimberley for the flood mitigation project and authorize Purchasing to solicit bids. All present voting "Aye".

18885 APPROVE REQUEST FOR PROPOSAL SEEKING A CONTRACT WITH A RIGHT-OF-WAY AGENT TO WORK WITH THE COUNTY ENGINEER IN OBTAINING RIGHT-OF-WAY FOR ONGOING AND FUTURE COUNTY PROJECTS [T1-478]

Commissioner Molenaar requested going out for proposals (RFP's) for a Right-Of-Way Agent that could be utilized by Departments. He has had to come back several times to the court trying to find a ROW acquisition individual to finish up projects he has going on. The court can decide if we put this person at the disposal of the Road Department. Discussed asking for proposal by the hour and/or by the unit - could add clarifying language. Commissioner Molenaar spoke of need to get someone to work with staff on R-O-W issues and he is agreeable to any changes to bid proposal that is needed. Commissioner Carter felt like the Commissioner could do some of the work related to R-O-W issues and she feels like a R-O-W attorney would be more helpful. Commissioner Molenaar spoke of work he has done in R-O-W issues and an attorney is too costly but a R-O-W Agent can be helpful. Commissioner Ingalsbe advised that she would like to have an agent available if needed. A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve request for proposal seeking a contract with a Right-Of-Way Agent to work with the County Engineer in obtaining right-of-way for ongoing and future county projects. Commissioner Ingalsbe, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

18886 AUTHORIZE THE COUNTY JUDGE TO SOLICIT PROPOSALS REGARDING LEGAL SERVICES RELATING TO CONDEMNATION [T1-595]

Special Counsel Jacqueline Cullom Murphy advised that State law allows the county to hire outside legal counsel without bids or proposals since these are professional services, however, in order to get the best qualified attorney at the most reasonable cost it is sometimes best to seek proposals. The action sought is authorization for the County Judge, with the assistance of Special Counsel and Purchasing Agent, to send letters to attorneys known to specialize in eminent domain law seeking information regarding their expertise and fee schedule. An outside legal counsel agreement will be presented to the court for consideration. Commissioner Molenaar spoke of need for legal services relating to condemnation. Commissioner Carter spoke feels like we are wasting our money with condemnation efforts – takings are less favored now in the courts. [T1-662] Sam Davis spoke of problems on Fischer Store Road requiring condemnation - when it comes to safety of the traffic we need to consider this and you don't have to use an agent or attorney unless you need to. A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize the County Judge to solicit proposals regarding legal services relating to condemnation. Commissioner Ingalsbe, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".

**18887 DISCUSSION AND POSSIBLE ACTION TO VOTE TO PLACE THE PROPOSAL TO
ADOPT THE FY2000 TAX RATE AT AN UP-COMING COURT AGENDA [T1-694]**

County Auditor Bill Herzog advised that the effective tax rate is 42.84 cents and the proposed tax rate for the new budget is 45.39 cents (approximately 6% above the effective rate) – if you go over 3% of the effective rate you must have a public hearing. Court needs to set a public hearing on the proposed tax rate for August 29th. A motion was made by Judge Powers, seconded by Commissioner Molenaar that the proposed tax rate for FY2001 budget of 45.39 cents and schedule a public hearing for August 29, 2000 at 1:30 p.m. in the Commissioners' Courtroom, Hays County Courthouse. All present voting "Aye".

Clerk's Note: Agenda Item #23 was pulled RE: Executive session pursuant to Texas Government Code §551.071 to meet with legal counsel to discuss potential litigation relating to *Ramirez v. Guadalupe County* (Hays County).

Court was adjourned.

MINUTES APPROVED IN OPEN COURT ON THE 15th DAY OF AUGUST, 2000.

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

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

