



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 21<sup>ST</sup> DAY OF AUGUST, A.D., 2001, 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>RUSS G. MOLENAAR</b>	<b>COMMISSIONER, PCT. 4</b>
<b>LINDA C. FRITSCHÉ</b>	<b>DEPUTY COUNTY CLERK</b>

WITH THE FOLLOWING MEMBER ABSENT: COMMISSIONER PCT. 3 WILLIAM "BILL" BURNETT, WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

**PRESENTATION BY DAN WEGMILLER OF FIRST SOUTHWEST INVESTORS, INC. ON TIMING OF GENERAL OBLIGATION BONDS**

Dan Wegmiller (First Southwest Company) spoke of time line for the first phase of the General Obligation Bonds - he anticipates coming back next Tuesday to authorize issuance of bonds - they will negotiate on the county's behalf to set a price on the bonds (starting this Thursday at request of Underwriters). They will hold their price until action next week. The Federal Reserve meets today and anticipates a decrease in fund rate. We are looking at \$14.1 million of authorized bonds for road related projects and \$4.6 million of refunding bonds (pay off existing debt) which will save the county \$122,000 over 6 years. He feels like the county is in a good position.

**19700 APPROVE THE COMMISSIONERS' COURT MINUTES OF AUGUST 10,13, 14, 2001**

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve the Commissioners' Court Minutes of August 10, 13, & 14, 2001 as presented by the County Clerk. All present voting "Aye".

**19701 APPROVE CORRECTION TO COMMISSIONERS' COURT MINUTES OF JULY 31, 2001 (RESOLUTION #19655)**

The fees listed for burial services was incorrect – the figures originally listed were actually the total of the funeral home expenses/graveside services (FHE/GS) and opening/closing of graves (O/CG). **Adult = \$1225** (\$850 FHE/GS + 375 O/CG) **Child = \$1125** (\$750 FHE/GS + \$375 O/CG) **Infant = \$725** (\$500 FHE/GS + \$225 O/CG). A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve correction to Commissioners' Court Minutes of July 31, 2001 Resolution #19655 as requested by the County Clerk. All present voting "Aye".

**19702 APPROVE PAYMENT OF COUNTY INVOICES**

County Auditor Bill Herzog requested pulling disbursement to JP2 Beth Smith from State Shared Revenue in the amount of \$202.00. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$230,441.42 (\$230,643.42 less \$202 expense pulled from list). All present voting "Aye".

Public Safety Svcs	\$ 72.00	Fines	\$ 165.00	Auditors Office	\$ 361.95
Treasurers Office	\$ 168.19	Extension Office	\$ 449.00	Juvenile Probation Ofc	\$ 629.90
Election Admin Ofc	\$ 272.83	Transfer Station	\$ 6,555.79	Bldg Mtc Dept	\$ 14,916.18
Environ Helath	\$ 930.19	Civic Center	\$ 233.89	Countywide Oper	\$ 4,272.30
Tax A/C Office	\$ 152.82	District Clerk's Ofc	\$ 380.00	Sheriffs Office	\$ 13,910.27
Jail Operations	\$ 41,251.28	Co Court at Law 1	\$ 190.00	District Attorneys Ofc	\$ 1,055.16
J.P. 1-1	\$ 145.00	J.P. 1-2	\$ 349.48	J.P. 2	\$ 139.00
J.P. 4	\$ 145.00	Dept of Public Safety	\$ 129.95	Constable 1	\$ 107.00
Constable 2	\$ 18.36	District Court Oper	\$ 5,046.34	Co & JP Court Oper	\$ 6.00
Computer Svcs	\$ 2,624.35	DPS/L&W	\$ 120.00	Fire Marshal/EMC	\$ 145.00
Comm Court Exp	\$ 340.50	CJD/VOCA Grant	\$ 145.00	CJD/VAWA Grant	\$ 111.28
Waste Task Force	\$ 61.50	Gen Fund Credit	<\$278.15>	R&B Operations	\$ 85,380.18
Precinct 2	\$ 236.59	Precinct 4	\$ 208.01	R&B Gen Credit	<\$33.61>
Sheriff Abandoned Veh	\$ 235.12	Anticip Notes '95	\$ 6,134.00	Hays Co Parks Fund	\$ 103.00
Rec Mng/Co Clerk	\$ 537.58	Burnett Rd Dist I&S	\$ 174.72	Sheriff Spec Proj Fund	\$ 35.44
Courthouse Security	\$ 521.50	Pioneer Rd Dist I&S	\$ 561.00	Medical & Dental Insur	\$ 34,377.71
Sheriffs Drug Forf Fund	\$ 902.32	Family Health Svcs	\$ 343.00	Tobacco Settlement Fund	\$ 5,402.50



**19703 APPROVE BUDGET AMENDMENT #01-35**

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment #01-35 as proposed by the County Auditor. All present voting "Aye".

				AMENDMENT NO. <u>2001-35</u> FY 2001 BUDGET <u>8-21-01</u>
FUND NO. <u>01</u>				
FUND TITLE <u>GENERAL FUND</u>				
<u>LINE ITEM - EXPENDITURES</u>	APPROPRIATION BEFORE	<u>AMENDMENT</u>		APPROPRIATION AS
	<u>AMENDMENT</u>	<u>INCREASES</u>	<u>DECREASES</u>	<u>AMENDED</u>
<b><u>BUILDING MAINTENANCE (410):</u></b>				
01-410-5451 Contract Bldg Maint	36,228	760		36,988
01-410-5456 Pest Control	1,550	600		2,150
01-410-5457 A/C Maintenance	24,400	2,500		26,900
01-410-5458 Contract Janitorial	25,896	1,000		26,896
01-410-5473 Equipment Rental	2,550	650		3,200
01-410-5489 Telephone/Mobile	10,415	750		11,165
01-410-5474 Uniform, Mops, Mats	5,950	300		6,250
01-410-5419 Equipment Maint	1,400	500		1,900
01-410-5741 Misc Cap Improvements	20,375		(7,060)	13,315
		<u>7,060</u>	<u>(7,060)</u>	
<b><u>Transfer for needed expense, repairs, telephone, pest control</u></b>				
<b><u>CONSTABLE 5 (435):</u></b>				
01-435-5717 Law Enf Equipment	10,640	785		11,425
01-435-5021 Staff	29,247		(785)	28,462
<b><u>Authorize and transfer for radar from personnel savings, as suggested by Commissioners' Court</u></b>				

**19704 APPROVE UTILITY PERMIT #01496**

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Utility Permit #01496 on Posey Road (CR235) issued to the City of San Marcos. All present voting "Aye".

**19705 APPROVE PURCHASE OF HAND-HELD RADAR GUN FOR PRECINCT 5 CONSTABLE AND AMEND BUDGET ACCORDINGLY**

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve purchase of hand-held radar gun for Constable Pct. 5 and amend budget accordingly (transfer \$785 from staff salary line item into law enforcement equipment line item). All present voting "Aye". [See Budget Amendment #01-35]

**19706 APPROVE REHIRE OF JIMMIE KITCHEN AS ASSISTANT COURT ADMINISTRATOR IN THE DISTRICT COURT OFFICE AT GRADE 20 STEP 5**

Jimmie Kitchen has over 10 years experience in the District Clerk's office. According to the unofficial "hire and rehire step placement chart", years of service and similarity of job position, rates placement at a Step 5. Personnel Dept. recommends approval with change effective August 8, 2001. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve rehire of Jimmie Kitchen as Assistant Court Administrator in the District Court Office at Grade 20 Step 5. All present voting "Aye".

**19707 HOGG CREEK BUSINESS PARK [PCT. 3- 01-3-042] \* APPROVE FINAL PLAT [T1-168]**

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 "Hogg Creek Business Park". All present voting "Aye".

**19708 APPOINT PAUL LILLY AS DEPUTY CONSTABLE IN PRECINCT 4 [PURSUANT TO LOCAL GOVERNMENT CODE, SECTION 86.011] EFFECTIVE AUGUST 27, 2001 [T1-179]**

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to appoint Paul Lilly as Deputy Constable Pct. 4 pursuant to Local Government Code Section 86.011 effective August 27, 2001. All present voting "Aye".



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**19709 APPROVE EXPENDITURES, INCLUDING FUEL COSTS AND EMPLOYEE OVERTIME, RESULTING FROM RECENT 1300 ACRE GRASS FIRE [T1-188]**

County Fire Marshal Mark Chambers spoke of recent fire on the Freeman Ranch and funding needed for fuel expenses - the cause of the fire is still under investigation. The fire stretched out over a 4 day period and numerous agencies were involved. Commissioner Molenaar asked about damage to brush trucks. Mark Chambers advised that there were a lot of problems with equipment due to terrain but it is his understanding that all the equipment is back in service at this time - the fire departments have paid for those repairs. Judge Powers commended Mark Chambers for his hard work. Fuel for Star Flight Helicopter = \$2,115.82 \* Charges submitted by the Road Dept. for fuel used by the fire departments = \$551.84 \* Overtime for Road Dept. Personnel = \$513.21. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve expenditures in the amount of \$3,180.87, including fuel costs and employee overtime, resulting from the recent grass fire to be paid out of Countywide Operating Line Item 01-414-5399. All present voting "Aye".

**19710 AWARD CONTRACT FOR MOWING RIGHT-OF-WAY TO BROWNSBORO ENTERPRISES [T1-262]**

Bids were submitted by Canham Contracting Inc. (New Braunfels) @ \$14,879.20, Brownsboro Enterprises Inc. (Lockhart) @ \$15,304.32, and Asplundh Tree Expert Co. (Houston) @ \$58,329.83. The Road Dept. recommended awarding the contract to Brownsboro Enterprises even though they were not the low bidder because of problems with Canham Contracting during the time they had that contract. County Auditor Bill Herzog asked if the low bidder was present today to speak to this recommendation. The low bidder, Canham Contracting Inc., was not present. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to award contract for mowing right-of-way to Brownsboro Enterprises [Bid Price Per Cycle = \$15,304.32 \* Price per additional acreage = \$72.00 \* Price for misc. mowing per hour = \$72.00]. All present voting "Aye".

**19711 AUTHORIZE LUANNE CARAWAY TO EXECUTE AN AGREEMENT WITH OFFICIAL PAYMENTS CORP. FOR ACCEPTANCE OF CREDIT CARD PAYMENTS FOR PROPERTY TAXES OVER THE INTERNET OR TELEPHONE [T1-285]**

Tax Assessor-Collector Luanne Caraway advised that this service is being offered to the taxpayers of Hays County who choose to pay their property taxes by credit card. This may only be done by telephone or over the internet. We will not be able to accept credit cards in person due to credit card company rules. There will be a convenience fee charged by Official Payments Corp. to the taxpayer for this service. The State Comptroller Local Government Assistance Section has named Official Payment Corp. as "Best Practices" for their electronic payments systems. This agreement can be canceled at any time. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize Luanne Caraway to execute an agreement with Official Payments Corp. for acceptance of credit card payments for property taxes over the internet or telephone. All present voting "Aye".

**19712 AUTHORIZE AND APPROVE ACCEPTANCE, UNDER THE INTERLOCAL AGREEMENT WITH THE CITY OF KYLE, THREE DEEDS FOR THREE (3) TRACTS OF LAND AND TWENTY (20) EASEMENTS IN HAYS COUNTY FOR THE EXTENSION AND EXPANSION OF FM 1626 [T1-346]**

Barney Knight (Attorney for the City of Kyle) commended the county on services provided. He explained the City's pursuit of right-of-way for the FM1626 extension. He spoke of deeds, appraisal, and eminent domain proceedings that are forthcoming. On approval by the court today, he will file these documents with a Title Company and proceed with condemnations as necessary. Documents they have to date will bring them to the 60% level of land acquisition required by the interlocal agreement that was adopted by the Commissioners' Court on February 13, 2001 [Resolution #19282]. The conveyances will be made to the City of Kyle. Special Counsel Jacqueline Cullom Murphy spoke of this being an accountability issue. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize and approve acceptance under the Interlocal Agreement with the City of Kyle the following three deeds for three (3) tracts of land and twenty (20) easements in Hays County for the extension and expansion of FM 1626: (1) a deed of 28.91 acres of land from William Negley, as life tenant with the power of sale, out of M.M. McCarver Survey No. 4, Abstract No. 10; (2) a deed of 22.83 acres of land from William Negley, as life tenant with the power of sale, out of the John Cooper Survey, A-100, the Jesse Day Survey, A-152, and the Jesse Day Survey, A-159; (3) a deed of 0.04 acres of land from William Negley, as life tenant with the power of sale, out of Jesse Day Survey, A-159; and (4) twenty easements generally referenced and described as follows: a 0.18 acre easement out of the M.M. McCarver survey no. 4, Abstract No. 10 (drainage easement); five (5) separate 0.09 acre tracts of land in the M.M. McCarver Survey No. 4, Abstract No. 10 (public utility easements); a 0.11 acre tract of land in the M.M. McCarver Survey No. 4, Abstract No. 10 (drainage easement); a 0.16 acre tract of land in the M.M. McCarver Survey No. 4, Abstract No. 10 (drainage easement); a 0.16 acre tract of land in the M.M. McCarver Survey No. 4, Abstract No.10 (public utility easement); a 0.21 acre tract of land in the M.M. McCarver Survey No. 4, Abstract No. 10 (pedestrian crossing easement); a 0.09 acre tract of land in the Jesse Day Survey, Abstract No. 159 (public utility easement); a 0.57 acre tract of land in the M.M. McCarver Survey No. 4, Abstract No. 10, and the John Cooper Survey, Abstract No. 276. and the Jesse Day Survey, Abstract No. 159 (access and public utility easements); a 0.22 acre tract of land in the Jesse Day Survey, Abstract No. 159 (pedestrian crossing easement); a 0.10 acre tract of land in the Jesse Day Survey, Abstract No. 159 (public utility easement); a 0.21 acre tract of land in the Jesse Day Survey, Abstract No. 159 (pedestrian crossing easement); a 0.16 acre tract of land in the John Cooper Survey, Abstract No. 100 (public utility easement); and one hundred fourteen (114') square feet of land in the Jesse Day Survey, Abstract No. 159 (pedestrian crossing easement). All present voting "Aye".

**19713      CALL FOR A PUBLIC HEARING TO CONSIDER ABANDONING A PORTION OF OLD  
PARK ROAD (CR 196) [T1-480]**

This road was replaced with a new road to access Pedernales Falls State Park. The old road continues to exist through private property as a prescriptive easement with Hays County maintenance to the Blanco County line. Blanco County does not maintain their portion of the roadway, nor do they consider it public right of way. The property owner desires to shorten the present easement and construct a cul-de-sac at its termination. All adjoining property owners will maintain access to their property. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to call for public hearing to consider abandoning a portion of Old Park Road (CR196). All present voting "Aye".

**Court was adjourned.**

**MINUTES APPROVED IN OPEN COURT ON THE 28<sup>th</sup> DAY OF AUGUST, 2001.**

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**JAMES L. POWERS, COUNTY JUDGE  
H A Y S   C O U N T Y, T E X A S**

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**LEE CARLISLE, COUNTY CLERK  
H A Y S   C O U N T Y, T E X A S**

