



STATE OF TEXAS O
 COUNTY OF HAYS O

ON THIS THE 11th DAY OF SEPTEMBER A.D., 2001, 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 and gave the invocation. Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

Clerk's Note: Commissioner Carter was not present at beginning of meeting.

19752 APPROVE THE COMMISSIONERS' COURT MINUTES OF SEPTEMBER 4, 2001

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve the Commissioners' Court Minutes of September 4, 2001 as presented by the County Clerk. All present voting "Aye".

19753 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 \$255,047.79 as presented by the County Auditor. All present voting "Aye".

Public Safety Svcs	\$ 67,367.82	Fines	\$ 100.00	Other Revenue	\$ 5,251.00
Auditors Office	\$ 52.79	Treasurers Office	\$ 310.51	Extension Office	\$ 464.86
Grants Administration	\$ 152.98	Juvenile Prob	\$ 9,374.59	Election Admin	\$ 177.67
Indigent Care	\$ 1,710.58	Transfer Station	\$ 174.24	Bldg Mtc Dept	\$ 2,754.80
Environmental Health	\$ 2,390.48	Countywide Oper	\$ 24,844.97	Tax A/C	\$ 1,036.49
District Clerks Office	\$ 164.61	Sheriff's Office	\$ 23,482.37	Jail Operations	\$ 731.44
County Judge's Office	\$ 158.66	Human Resources	\$ 410.70	Co Court at Law 1	\$ 197.44
District Attorney's Ofc	\$ 392.60	J.P. 1-1	117.04	J.P. 1-2	\$ 498.40
J.P. 2	\$ 438.85	J.P. 3	\$ 19.69	J.P. 5	\$ 537.05
Dept of Public Safety	\$ 426.63	Constable 1	\$ 352.42	Constable 2	\$ 318.30
Constable 3	\$ 253.93	District Crt Oper	\$ 309.64	Co & JP Crt Oper	\$ 3,249.07
Veterans Admin Office	\$ 2,136.60	Computer Svcs	\$ 3,423.86	DPS/L&W	\$ 75.10
Fire Marshal/EMC	\$ 812.97	TABC Office	\$ 90.64	Dist Court Reporters	\$ 73.39
TJPC CCAP Grant	\$ 3.92	Assc Judge/Fam Law	\$ 46.04	CJD/VOCA Grant	\$ 587.30
Auto Theft Task Frc Grnt	\$ 106.81	911 Addrs Mtc. Grant	\$ 81.02	Gen Fund Credit	<\$2.24>
R&B Operations	\$ 48,704.47	Precinct 1	\$ 89.88	Precinct 2	\$ 342.96
Precinct 3	\$ 78.37	R&B Gen Credit	<\$7,292.37>	Parks Fund	\$ 2,257.83
Rec Mng/Co Clerk Fund	\$ 673.42	Health Svcs Grant	\$ 467.65	Law Library Fund	\$ 14.51
Sheriff Spec Proj Fund	\$ 400.07	Courthouse Security	\$ 56.78	Sheriff's Drug Forf	\$ 550.00
Family Health Svcs Fund	\$ 4,151.06	Tobacco Settlement	\$ 49,097.13		

19754 APPROVE BUDGET AMENDMENT #01-38

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment #01-38 as proposed by the County Auditor. All present voting "Aye".

AMENDMENT NO. 2001-38 FY 2001 BUDGET 9-11-01				
FUND NO. 01 FUND TITLE <u>GENERAL FUND</u>				
	APPROPRIATION BEFORE	AMENDMENT		APPROPRIATION AS
LINE ITEM - EXPENDITURES	AMENDMENT	INCREASES	DECREASES	AMENDED
HUMAN RESOURCES (421):				
01-421-5331 Cont Ed	-0-	500		500
01-421-5801 Training/Countywide	2,621		(500)	2,121
<i>Transfer for seminar expense not budgeted</i>				



AMENDMENT NO. <u>2001-38</u> FY 2001 BUDGET 9-11-01				
FUND NO. <u>01</u> FUND TITLE <u>GENERAL FUND</u>				
<u>LINE ITEM - EXPENDITURES</u>	<u>APPROPRIATION</u>	<u>AMENDMENT</u>		<u>APPROPRIATION</u>
	<u>BEFORE</u>	<u>INCREASES</u>	<u>DECREASES</u>	<u>AS</u>
	<u>AMENDMENT</u>			<u>AMENDED</u>
<u>EXTENSION OFFICE (403):</u>				
01-403-5211 Office Supply	5,800	150		5,950
01-403-5331 Cont Ed	2,400	200		2,600
01-403-5101 FICA/RET	9,409		(350)	9,059
		<u>350</u>	<u>(350)</u>	
<i>Transfer for balance of seminar cost from personnel savings</i>				
<u>JUSTICE OF THE PEACE 1-2 (425):</u>				
01-425-5712 Data Proc Equipment	-0-	1,460		1,460
01-425-5335 Time Payment Expense	6,000		(1,460)	4,540
<i>Transfer for computer system</i>				
<u>VETERAN'S OFFICER (455):</u>				
01-455-5413 Vehicle Maintenance	5,342	1,300		6,642
01-455-5448 Contract Services	9,600		(1,300)	8,300
<i>Transfer for balance of engine repair</i>				
FUND NO. <u>47</u> FUND TITLE <u>TOBACCO SETTLEMENT FUND</u>				
<u>TOBACCO PROCEEDS/SAN MARCOS CLINIC (607):</u>				
47-607-5324 Permits	-0-	520		520
47-607-5611 Construction	-0-	947,481		947,481
47-607-5621 Engineering	-0-	90,000		90,000
47-607-5712 Data Proc Equipment	-0-	11,979		11,979
47-607-5798 Site Improvements	-0-	20		20
47-607-5301 Operating	1,050,000		(1,050,000)	-0-
		<u>1,050,000</u>	<u>(1,050,000)</u>	
<i>Budget actual building costs</i>				

19755 APPROVE REFUND OF DOUBLE PAYMENTS AND/OR OVERPAYMENTS ON TAXES

Tax Assessor-Collector Luanne Caraway requested approval to refund a double payment on Part of Lot 52 Lifschultz Subdivision. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve refund of double payments on taxes on Pt. Lot 52 Lifschultz Subdivision as requested by the Tax Assessor-Collector. All present voting "Aye".

19756 PARK 35 SOUTH, SECTION 4A [PCT. 2 * 01-2-058] * APPROVE FINAL PLAT [T1-35]

Environmental Health Director Allen Walther advised that this is a commercial subdivision – gave staff recommendation for final approval. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve final plat of "Park 35 South Section 4A". All present voting "Aye".

19757 THE HIGHLANDS SECTION B REPLAT LOT 45 [PCT. 4 * 01-4-069] * APPROVE PRELIMINARY PLAT [T1-43]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plat of "The Highlands Section B Replat Lot 45". All present voting "Aye".

Clerk's Note: Commissioner Carter came to meeting at this time

19758 APPROVE CONSOLIDATION OF COUNTY ELECTION PRECINCTS FOR THE NOVEMBER 6, 2001 CONSTITUTIONAL AMENDMENT ELECTION [T1-55]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve consolidation of county election precincts for the November 6, 2001 Constitutional Amendment Election. All voting "Aye".

PRECINCTS VOTINGPOLLING PLACE

110 & 113	Elections Office – 401-C Broadway Street, San Marcos
111 & 112	Dunbar Center – 801 MLK Dr., San Marcos
114	City Hall – 630 E. Hopkins, San Marcos
116	Hernandez Middle School – 333 Stagecoach Trl, San Marcos
120 & 121	CM Allen Homes Ofc – 801 River Road, San Marcos
222 & 230	Hays City Hall – 526 Tanglewood Trl, Hays City
226	Hays Hills Baptist Church – 1401 N FM1626, Buda
224 & 228	Senior Citizens Bldg. – 401 Barton Crossing, Buda
223 & 225	Kyle City Hall – 101 S. Burleson St., Kyle
227 & 229	St. John's Catholic Church – Hwy 21, Umland
315	Doris Miller Jr. High – 301 Foxtail Run, San Marcos
330 & 334	Lamar Annex – 500 W. Hutchison St., San Marcos
331 & 336	Crockett Elementary School – 1300 Girard, San Marcos
335 & 337	St. Mary's Catholic Church – 14711 RR12, Wimberley
440, 441 & 449	Dripping Springs City Hall – 104 G Mercer St., Dripping Springs
442 & 448	Driftwood Community Center – CR150, Driftwood
443	Sunset Canyon Baptist Church – 4400 E.Hwy 290, Dripping Sprgs
445 & 451	First American Luther Church – 130 W. Holland, San Marcos
446 & 447	Travis Elementary School – 1437 Post Rd., San Marcos

19759 ACCEPT BIDS ON PROPERTY HELD IN TRUST (DELINQUENT PROPERTIES) [T1-73]

Tax Assessor-Collector Luanne Caraway spoke of 4 properties in Woodcreek – the school district has approved the bids and she recommends county acceptance.

Woodcreek Section 8 Lot 159	\$ 1,800.00 bid = 51% recovery
Woodcreek Section 18 Lot 29	\$ 1,550.00 bid = 51% recovery
Woodcreek Section 22 Lot 82	\$ 1,550.00 bid = 57% recovery
Woodcreek Section 22 Lot 50	\$ 1,550.00 bid = 58% recovery

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to accept bids for property held in trust (delinquent tax properties) consisting of four (4) Woodcreek Lots as submitted by the County Tax Assessor-Collector. All voting "Aye".

19760 AUTHORIZE THE HIRING OF DAN DEMENT AS COUNTY JDUDGE EXECUTIVE ASSISTANT AT A GRADE 27, STEP 2 [T1-83]

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the hiring of Dan Dement as Executive Assistant in the County Judge's office at a Grade 27 Step 2. All voting "Aye".

19761 PUBLIC HEARING AND ACTION TO ADOPT AN ORDER TO ABANDON A PORTION OF CR 196 (OLD PARK ROAD), RELEASING COUNTY PRESCRIPTIVE EASEMENT RIGHTS FOR THAT PORTION, AND ACCEPT A DEDICATION DEED FOR THE REMAINING PORTION OF CR 196 [T1-97]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther spoke of prescriptive easement on CR106 (Old Park Road). Applicant proposes to release a segment of Old Park Road (which terminates at the Blanco/Hays county line) – the remaining portion will have a cul-de-sac (100 ft radius) and roadway which will be dedicated to Hays County. Commissioner Molenaar spoke of portion of this roadway located in Blanco county being a cow path that has never been maintained by Blanco County. County Road Supt./Engineer Jerry Borcharding stated that the road department will inspect the construction of the cul-de-sac. Fred Nowland (Executor of the Estate) spoke of this road currently being a liability – dumping, etc. goes on in Blanco County area – the cul-de-sac will prevent access to the back portion of the roadway. Allen Walther advised that no one will be prevented from access to their property. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe, to adopt an Order to abandon a portion of County Road 196 (CR196 – Old Park Road), releasing county prescriptive easement rights for that portion, and accept a dedication deed for the remaining portion of CR196. All voting "Aye".



ORDER OF THE HAYS COUNTY COMMISSIONERS' COURT ABANDONING PUBLIC RIGHT-OF-WAY (PRESCRIPTIVE EASEMENT) ALONG OLD PARK ROAD AND ACCEPTING A DEDICATION OF PUBLIC RIGHT-OF-WAY TO INCLUDE THE CONSTRUCTION OF A PUBLIC CUL-DE-SAC.

WHEREAS, the Hays County Commissioners' Court has determined that it is in the best interest of the public to abandon as a public right-of-way a portion of "Old Park Road" also known as County Road 196 as authorized by Section 263.002, Texas Local Government Code;

WHEREAS, a description of the public right-of-way to be abandoned is attached hereto and incorporated for all purposes as Exhibit "A";

WHEREAS, the right-of-way to be abandoned is a prescriptive easement;

WHEREAS, the owner of the underlying fee simple is agreeable to the abandonment of the public right-of-way described in Exhibit "A" and is willing to construct, convey and dedicate a right-of-way over the property as described in Exhibit "A1", attached hereto and incorporated for all purposes;

WHEREAS, the construction of the new right-of-way, to include the construction of a cul-de-sac, shall be inspected by the County Engineer before acceptance by the County;

WHEREAS, the Hays County Commissioners' Court finds that the fair market value of the construction, conveyance and dedication of the new right-of-way exceeds the value of the abandoned right-of-way;

WHEREAS, public notice has been provided as required by law for three consecutive weeks and a public hearing was held at San Marcos, Texas on September 11, 2001 during a regular Commissioners' Court meeting.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, THAT:

SECTION 1. Hays County abandon its right and interest in the public right-of-way described in Exhibit "A", effective upon completion of a roadway and cul-de-sac over property described in Exhibit "A1", referred to as the new right-of-way, meeting applicable County standards and specifications, and that, to evidence such abandonment, this Order shall be filed in the Hays County Real Property Records in the Hays County Clerk's Office.

SECTION 2 Hays County accept the dedication of right-of-way and construction of a cul-de-sac from Jimmy Skipton for the new right-of-way described in Exhibit "A1" upon inspection and approval by the County Engineer.

SECTION 3 The abandonment of public right-of-way authorized in Section 1 of this Order shall become effective upon the filing of a Dedication Deed as authorized by Section 2 of this Order.

APPROVED AND ADOPTED THIS 11TH DAY OF SEPTEMBER, 2001.

19762 APPROVE EXPENDITURES RELATED TO ATLAS PRINTING [T1-274]

Environmental Health Director Allen Walther spoke of having a separate line item in his budget for funding atlas printing. The court previously approved purchase of software and printing – approximately \$6,200 remains in the line item and he is asking the court to allow purchase of laser printer supplies, software (Corel Draw & Adobe Illustrator), good quality paper, and a punching/binding machine for printing and distributing updated road atlas pages. A motion was made by Commissioner Carter, seconded by Commissioner Burnett to approve expenditures related to atlas printing as requested. All voting "Aye".

19763 ADOPT AN ORDER SETTING THE TAX RATES FOR HAYS COUNTY AND BURNETT RANCH ROAD FOR THE FY2002 BUDGET AND LEVY THE TAXES [T1-301]

The proposed Tax Rate is 44.61 cents for the County Budget – this equates to an approximate \$12.00 increase in taxes for the average homeowner. County Auditor Bill Herzog gave the breakdown of the tax rate (see order). A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to adopt an Order setting the tax rates for Hays County and Burnett Ranch Road for the FY2002 Budget and Levy the Taxes. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".



ORDER ADOPTING AN AD VALOREM TAX RATE
FOR FISCAL YEAR 2002 FOR HAYS COUNTY

THE STATE OF TEXAS
COUNTY OF HAYS

On this 11th day of September, 2001, the Commissioners' Court of Hays County, Texas, pursuant to Chapter 26 of the Texas Property Tax Code, adopts this order setting the fiscal year 2002 ad valorem tax taxes as follows. All figures are in pennies per \$100 taxable property valuation:

General Maintenance and Operations	28.96 cents
General Debt	8.06 cents
<u>Road and Bridge M&O</u>	<u>7.59 cents</u>
TOTAL AD VALOREM TAX RATE	
FOR FISCAL YEAR 2001	44.61 cents

The Court also adopts by this order the following tax rates for fiscal year 2002 for the following special road districts:

Burnett Ranch Road	5.64 cents
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PASSED by the COMMISSONERS' COURT OF HAYS COUNTY, TEXAS, this 11th day of September, 2001.

Court was adjourned.

MINUTES APPROVED IN OPEN COURT ON THE 18TH DAY OF SEPTEMBER, 2001

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

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

