



STATE OF TEXAS 0
 COUNTY OF HAYS 0

ON THIS THE 15th DAY OF JANUARY A.D., 2002, 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
LINDA C. FRITSCHE	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

PUBLIC COMMENT

John Green spoke of 2% of land in Texas being public (the least amount in the United States) and he spoke of Hays County having an obligation to protect vast landscape for the public. He spoke of hill country deserving protection and the black lands in the east. He asked the county to cooperate with the cities in funding of 40% of Hays County to become public land. Commissioner Burnett spoke in support of land preservation and he spoke of voter approved bond issue that supports this issue and funding that has been provided.

19991 APPROVE THE COMMISSIONERS' COURT MINUTES OF JANUARY 8, 2002

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve the Commissioners' Court of January 8, 2002 as presented by the County Clerk. All voting "Aye".

19992 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve payment of county invoices in the amount of \$617,141.03 as presented by the County Auditor. All voting "Aye".

Public Safety Svcs	\$ 70.00	Fines	\$ 44.00	Lease Pmt	\$ 2,072.63
Auditors Office	\$ 683.74	Treasurers Office	\$ 151.20	Extension Office	\$ 390.95
Grants Admin Ofc	\$ 119.78	Juvenile Prob Ofc	\$ 1,558.13	Election Admin Ofc	\$ 154.92
Comm. & Social Svcs	\$ 14,850.00	Indigent Care	\$ 2,603.70	Transfer Station	\$ 172.99
Building Mtc. Dept.	\$ 2,918.78	Environmental Health	\$ 1,085.54	Countywide Oper	\$ 18,769.01
Tax A/C Office	\$ 1,100.35	District Clerk's Office	\$ 2,513.41	Sheriffs Office	\$ 98,310.46
Jail Operations	\$ 18,374.19	Human Resources	\$ 186.22	Co Court at Law 1	\$ 628.28
District Attorneys Office	\$ 1,510.06	J. P. 1-1	\$ 121.63	J.P. 1-2	\$ 159.03
J.P. 2	\$ 230.56	J.P. 3	\$ 210.35	Dept of Pubic Safety	\$ 656.94
Constable 1 Office	\$ 427.51	Constable 2 Office	\$ 319.43	Constable 3 Office	\$ 288.82
Constable 4 Office	\$ 388.30	Constable 5 Office	\$ 385.72	District Court Oper	\$ 10,415.98
Co & JP Court Oper	\$ 2,236.45	Precinct 1	\$ 84.88	Precinct 2	\$ 270.89
Precinct 3	\$ 44.85	Precinct 4	\$ 95.85	Veterans Adm Office	\$ 3.00
Computer Services	\$ 4,491.28	DPS/L & W	\$ 183.85	Fire Marshal/EMC	\$ 24,587.45
TABC Office	\$ 170.23	District Court Reprtrs	\$ 92.43	Assoc Judge/Family	\$ 56.58
Spec Counsel Office	\$ 147.61	CJD/VOCA Grant	\$ 238.21	CJD/VAWA Grant	\$ 153.81
Auto Theft Task Force	\$ 68.83	911 Addrs Mtc Grant	\$ 154.75	TJPC/Title IV Juv Prob	\$ 8,154.00
General Fund Credit	<\$13.50>	R&B Accts Payable	\$ 101.91	Road & Bridge Oper	\$ 221,535.14
Right of Way	\$ 625.94	R&B Gen Credit	<\$962.05>	Sheriffs Abandon Veh	\$ 108.21
Hays Co Parks Fund	\$ 515.68	Rec Mng/Co Clerk	\$ 8,937.68	Health Svcs Grants	\$ 2,717.75
Law Library Fund	\$ 83.10	Courthouse Security	\$ 56.78	Sheriffs Drug Forf	\$ 632.98
Family Health Svcs	\$ 2,983.51	Tobacco Settlement	\$ 156,710.34		

19993 APPROVE BUDGET AMENDMENT NO. 02-09

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve Budget Amendment No. 01-09 as proposed by the County Auditor. All voting "Aye".



AMENDMENT NO. <u>2002-09</u> FY 2002 BUDGET 01-15-02				
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>
AUDITOR OFFICE (401):				
01-401-5411 Office Equipment Maintenance	750	800		1,550
01-401-5461 Printing	4,000		(800)	3,200
<i>Transfer printing savings to printer repairs</i>				
GRANTS (404):				
01-404-5213 Books	500	10		510
01-404-5461 Printing	100		(10)	90
<i>Transfer for needed expense</i>				
CONSTABLE 2 (432):				
01-432-5211 Office Supply	300	229		529
01-432-5717 Law Enf Equipment	5,000		(229)	4,771
<i>Transfer for new forms from Equipment savings</i>				
FUND NO. <u>03</u> FUND TITLE <u>ROAD & BRIDGE GENERAL FUND</u>				
ROAD & BRIDGE OPERATIONS (438):				
03-438-5219 Miscellaneous Supply	5,000	1,000		6,000
03-438-5719 Equipment	10,000		(1,000)	9,000
<i>Transfer for needed expense</i>				
RIGHT OF WAY (460):				
03-460-5441 ROW Legal	2,500	6,000		8,500
03-460-5386 ROW	170,000		(6,000)	164,000
<i>Transfer for needed estimate of expense</i>				

19994 APPROVE REFUND OF DOUBLE PAYMENTS ON TAXES

The following application for tax refund were considered by the court:

Thousand Oaks Lot 49	\$ 4,122.92	Cooks Resub Lot 1E 2.753 ac	\$ 3,036.52
Quincy Lee Add Lot 8 Blk 6	\$ 1,183.45	Trainer Vista Lot 5	\$ 1,984.47
Country Estates 4 Lot 28	\$ 2,289.96	Woodcreek III Lot 3 Blk 5	\$ 2,821.75
Joel Miners Surv 36.394 ac	\$ 1,313.22	Rio Vista Terrace Lot 33 Blk 1	\$ 1,117.96
Rio Vista Terrace Lot 25 Blk 1	\$ 984.91	Rio Vista Terrace Lot 1 Blk 7	\$ 1,381.97
Rio Vista Terrace Lot B Blk 6	\$ 1,060.24	Rio Vista Terrace Lot 30 Blk 7	\$ 1,150.13
Orig Town Kyle Lot 7-8 Blk 43	\$ 1,331.84	Park Addn Lot 83	\$ 1,329.41
Park Addn Pt Lot 78-79 & 84-85	\$ 1,837.93	Creekside Park 5 Lot 49 Blk F	\$ 2,721.73
Cimarron Park III Lot 14 Blk E	\$ 1,663.63	West Cave Est 1 Lot 20 Blk E	\$ 2,801.89
Barton Creek Rnch Lot 82	\$ 3,225.12	Castle Forest Lot 14 Blk F	\$ 2,256.58
Orig Town Kyle Lots 1-6 Blk 22	\$ 741.18	Cimarron Park I Lot I Blk B	\$ 3,395.37
Mountain Crest Sec 1 Lot 56	\$ 4,084.96	0.22 ac. T. J. Chambers Surv	\$ 1,391.12
Huntington Est Lot 4 Blk F	\$ 2,532.74	Summer Mt Ranch 1 Lot 81	\$ 512.38
Sunset Canyon V Lot 845	\$ 5,497.22	Village @ Sprngtwn #302 C	\$ 1,641.05
Steeplechase Ph 3 Sec 3 Lot 5 Blk D	\$ 2,918.41	Coves of Cimarron Lot 8 Blk H	\$ 5,185.64
Hughson Heights 3-C Lot 11-B Blk P	\$ 4,178.78	Creekside Park 2 Lot 18 Blk A	\$ 2,972.81

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

19995 APPROVE THE APPOINTMENT OF DAVID MCGEHEE AS A DEPUTY CONSTABLE, PCT 2 EFFECTIVE JANUARY 16, 2002 PURSUANT TO LOCAL GOVERNMENT CODE 86.011

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve the appointment of David McGehee as a Deputy Constable Precinct 2 effective January 16, 2002 pursuant to Local Government Code 86.011. All voting "Aye".



19996 REAPPOINT CARL SCUDDER & RAMOND L. CZICHOS TO THE WIMBERLEY RURAL FIRE PREVENTION DISTRICT FOR TERMS TO EXPIRE ON DEC. 31, 2003

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to reappoint Carl Scudder and Ramond L. Czichos to the Wimberley Rural Fire Prevention District for terms to expire on December 31, 2003. All voting "Aye".

19997 AWARD BID #2002-B05 FOR "ASPHALT DISTRIBUTOR" TO COOPER EQUIPMENT IN THE AMOUNT OF \$63,833.00

Bids were sent out to six vendors with Cooper Equipment being the only one to respond. The Purchasing Dept. contacted the other vendors that were sent bids and they did not offer this type of distributor. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to award bid #2002-B05 for "asphalt distributor" to Cooper Equipment in the amount of \$63,833.00. All voting "Aye".

19998 APPROVE CONTRACT WITH JENKINS ENVIRONMENTAL AS CONSULTANT FOR THE ASBESTOS ABATEMENT FOR THE OLD HEALTH DEPARTMENT BUILDING

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve contract with Jenkins Environmental as consultant for the asbestos abatement for the old Health Department building. All voting "Aye".

19999 APPROVE RENEWAL OF ANNUAL CONTRACT FOR "HAULING OF SOLID WASTE", AND "STRIPING" FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN ORIGINAL CONTRACT [NO INCREASE IN PRICING]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve renewal of annual contract for "hauling of solid waste" with Texas Disposal Systems Inc. for one (1) additional year as provided in the original contract and to approve renewal of annual contract for "striping" with United Rentals Highway Technologies for one (1) additional year as provided in the original contract – no increase in pricing. All voting "Aye".

20000 ACCEPT AUDIT OF ENVIRONMENTAL HEALTH DEPARTMENT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to accept audit of Environmental Health Department. All voting "Aye".

20001 APPROVE THE REAPPOINTMENT OF BRUCE HART TO THE SOUTH HAYS COUNTY EMERGENCY SERVICE DISTRICT #3

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve the reappointment of Bruce Hart to the South Hays County Emergency Service District #3. All voting "Aye".

Clerk's Note: Agenda Item #11 RE: REAPPOINTMENT TO HAYS COUNTY PARKS AND OPEN SPACE ADVISORY BOARD OF J. CRAIG AND J. MCNICOLL AND APPOINTMENTS OF D. JONES, L. BOLLINGER, AND L. SMITH was pulled from the agenda by Commissioner Carter. No discussion and no action this date.

20002 [PCT. 1 #01-1-098] SEGUIN HIGHWAY BUSINESS PARK * APPROVE PRELIMINARY PLAT [T1-92]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve preliminary plat of "Seguin Highway Business Park". All voting "Aye".

20003 [PCT. 2 #00-2-115] MEADOW VISTA SECTION 2 * APPROVE FINAL PLAT [T1-102]

Environmental Health Director Allen Walther advised that this is the second phase of a planned development and he gave staff recommendation for final approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of "Meadow Vista Section 2". All voting "Aye".



20004 [PCT. 4 #01-4-092] SILVER SPUR RANCHETTES SECTION 2 RESUBDIVISION OF LOT 9 * APPROVE PRELIMINARY PLAT [T1-112]

Environmental Health Director Allen Walther advised that this will be a 4 lot subdivision with a SAD (shared access driveway) and he gave staff recommendation for preliminary approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plat of "Silver Spur Ranchettes Section 2 Resubdivision of Lot 9". All voting "Aye".

20005 [PCT. 4 #01-4-071] BURKE SUBDIVISION * APPROVE FINAL PLAT [T1-124]

Environmental Health Director Allen Walther advised that this subdivision will use a SAD (shared access driveway) for some of the lots – he gave staff recommendation for final approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Burke Subdivision". All voting "Aye".

20006 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE BURDINE JOHNSON FOUNDATION FOR UP TO \$15,000 FOR THE HAYS COUNTY HISTORICAL COMMISSION [T1-137]

Grants Administrator Richard Salmon advised that the Hays County Historical Commission would like to submit a grant request for \$15,000 to the Burdine Johnson Foundation for use in advertising, furniture, catering various meetings, and match for other grants. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to submit a grant application to the Burdine Johnson Foundation for up to \$15,000 for the Hays County Historical Commission. All voting "Aye".

20007 ESTABLISH THE HAYS COUNTY SALARY GRIEVANCE COMMITTEE PURSUANT TO 152.014 LGC AND BEGIN SELECTION PROCESS [T1-149]

Pursuant to Local Government Code 152.014, the court must vote in January each year to have nine public members on the Salary Grievance Committee – otherwise the committee would be comprised of 6 elected officials and 3 public members. The County Judge serves as the Chairman of the Committee, but is not entitled to vote. An elected county or precinct officer who is aggrieved by the setting of their salary or personal expenses may request a hearing before the salary grievance committee before the approval of the county's annual budget. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to continue with nine public members on the Hays County Salary Grievance Committee. All voting "Aye". County Judge Jim Powers made a random selection of 9 public members as follows to serve on this committee: Mary E. Davis, Letha Francile Blue, Dustin Lee Hudson, Evangelina Calderon, Jim D. Gotcher, Angela Faye Starling, Havis Max Welch, Zulema Barba, and Joyce Elaine Wilkinson.

20008 AUTHORIZE A RESOLUTION DECLARING THE NECESSITY FOR ACQUIRING BY CONDEMNATION THE FEE SIMPLE TITLE TO CERTAIN DESCRIBED PROPERTY FOR RIGHT-OF-WAY PURPOSES OF THE LOST CREEK ROAD PROJECT (JOE ALEXANDER PROPERTY - .95996 ACRES OUT OF THE J.E. PURYEAR SURVEY) AND ORDERING THE CONDEMNATION OF SAID PROPERTY [T1-209]

Commissioner Molenaar advised that the offer made has been refused and our attorney has suggested proceeding with condemnation. Attorney Elly Delprado Dietz advised that no counter offer has been made by Mr. Alexander or his Attorney. Commissioner Carter spoke in opposition to taking over this private easement. Commissioner Molenaar advised that the landowners on this road petition the court to take over this roadway and all criteria has been met according to law. He spoke of this issue having been discussed for some time. Elly Delprado Dietz spoke of access having been a problem for residents for the past 10 years. Commissioner Ingalsbe spoke of offering an easier and safer access to their homes – they have had problems in the past getting to their homes. Commissioner Molenaar spoke of access for emergency services. Commissioner Burnett spoke of concerns regarding access to their property. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize a Resolution declaring the necessity for acquiring by condemnation the fee simple title to certain described property for right-of-way purposes of the Lost Creek Road Project (Joe Alexander property – 0.95996 acres out of the J. E. Puryear Survey) and ordering the condemnation of said property. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No". MOTION PASSED.



RESOLUTION TO AUTHORIZE CONDEMNATION
RESOLUTION NO. 20008
A RESOLUTION OF THE COUNTY OF HAYS TEXAS
DECLARING THE NECESSITY FOR ACQUIRING BY CONDEMNATION THE FEE SIMPLE TITLE
TO CERTAIN DESCRIBED PROPERTY FOR RIGHT-OF-WAY PURPOSES OF THE LOST CREEK ROAD PROJECT,
AND ORDERING THE CONDEMNATION OF SAID PROPERTY TO PROCEED

WHEREAS, the county of Hays has heretofore determined to acquire the right-of-way necessary for public access to Lost Creek Road and **WHEREAS**, an independent professional appraisal report of the subject property has been submitted to the county which accordingly established and approved a certain amount determined to be just compensation for that parcel, pursuant to the authority granted by resolution of the Commissioners Court on May 22, 2001; and,

WHEREAS, an official written offer based upon the amount determined to be just compensation has been transmitted to the owner of the property described herein, and the owner has been unable to agree with the County of Hays upon the property's fair cash market value and further negotiations for settlement have become futile and impossible; and,

WHEREAS, the County of Hays has complied with all prerequisites of the law, and condemnation has become necessary in order to acquire the unencumbered fee simple title, save and except oil, gas and sulphur rights with no rights of exploration, to the property described below; now, therefore,

BE IT RESOLVED BY THE COMMISSIONER'S COURT OF THE COUNTY OF HAYS, TEXAS:

PART 1: That the official offer by Hays County for the land described below, in the amount of EIGHT THOUSAND NINE HUNDRED SEVENTY-EIGHT (\$8,978.) DOLLARS, is hereby confirmed.

PART 2: That it is hereby determined that the County of Hays has in fact transmitted a bona fide offer to the property owner, in accord with the laws of the State of Texas, for the property described below, and the owner of that property and the County of Hays have been unable to agree and cannot agree upon the value of the land or the damages to be paid and further settlement negotiations have become futile and impossible.

PART 3: That public necessity requires that acquisition of the unencumbered fee simple title to the property described below, save and except oil, gas, and sulphur rights with no right of exploration, for right-of-way purposes of public access to Lost Creek Road; and that public necessity and convenience require the condemnation of this property in order to acquire it for such purpose.

PART 4: That the County of Hays is hereby authorized and directed to institute proceedings in eminent domain against Joseph Alexander, owner of the property described herein, and against all other owners, lien holders, and other holders of an interest in the property, in order to acquire the unencumbered fee simple interest, save and except oil, gas, and sulphur rights with no right of exploration, in and to the following described property laying and being situated in the County of Hays, Texas, to-wit: .95996 acres out of the J. E. Puryear survey, Abstract No. 771 and more particularly described in attached Exhibits A and B.

PART 5: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 15TH day of JANUARY A.D. 2002. TO CERTIFY WHICH WITNESS OUR SIGNATURES BELOW:

20009 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH TURNER, COLLIE & BRADEN TO PERFORM PROGRAM MANAGEMENT AND ENGINEERING SERVICES FOR THE HAYS COUNTY ROAD BOND PROJECT [T1-374]

Commissioner Burnett spoke of court having selected this firm (TBC/Turner, Collie & Braden) to be project manager for the road bond project and the committee was to work on details of the contract and bring it back to the court for consideration. The contract and fee schedule is fairly standard for engineer firms of this size – work authorizations will be required to be approved by the county's engineer (Jerry Borcharding). Commissioner Burnett spoke of using some other firms with different expertise. The work authorizations will give us control over the costs. Road Supt/Engineer Jerry Borcharding spoke of committee going to great lengths to establish the ability of this firm for the project – their fee structure is mid-range and he is comfortable with them doing the management. Bob Sutton, VP with TCB, spoke of his background (26 yrs of experience) and he spoke of work authorization contract. Mr. Sutton spoke of their contract with the City of Pearland. He spoke of using Engineering Design Firms that will work under TBC and then they will maintain the records (will use their staff out of Austin). Mr. Sutton spoke of their responsibilities and fee that will be charged. Commissioner Burnett spoke of stop measures that will be in place to control costs. John Green spoke in opposition to building new roads. Commissioner Molenaar advised that we are improving existing roads. Commissioner Burnett advised that this is a voter approved bond. [T1-604] A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a contract with Turner, Collie & Braden to perform program management and engineering services for the Hays County Road Bond Project and recognize Jerry Borcharding as the county's representative and grant him the authority to approve work authorizations up to \$100,000.00 – any work authorizations over that amount will come back to Commissioners' Court for their approval – and also to have Jerry Borcharding work with Turner, Collie & Braden on design firm selections. All voting "Aye".

Court was adjourned.

MINUTES APPROVED IN OPEN COURT ON THE 22ND DAY OF JANUARY 2002.

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

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