



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 28<sup>th</sup> DAY OF SEPTEMBER A.D., 2004, 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>WILLIAM "BILL" BURNETT</b>	<b>COMMISSIONER, PCT. 3</b>
<b>RUSS G. MOLENAAR</b>	<b>COMMISSIONER, PCT. 4</b>
<b>LINDA C. FRITSCHÉ</b>	<b>DEPUTY COUNTY CLERK</b>

**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.

**RECOGNITION OF HAYS COUNTY ELECTED OFFICIAL/EMPLOYEE**

Human Resources Director Luiz Gonzales read a letter of appreciation from the Attorney General of Texas regarding excellent work by the Precinct 1 Constable's office in support of the mission of the AG's office to provide child support enforcement services for the citizens of Hays County. Their accounting records show that the Office of the Attorney General has paid the Precinct 1 Constable \$15,889.50 for serving papers through June Of 2004 and estimate the total for 2004 to be in the \$20,000 range. The Constable's office has a very high service rate and are responsive to orders of the court to execute warrants when required by the court. County Judge Jim Powers presented Lorraine Cheeseman with a 10 year service pin and he announced that she will be retiring at the end of this month.

**22080 EXECUTIVE SESSION PURSUANT TO 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE ONGOING NEGOTIATIONS BETWEEN HAYS COUNTY AND STATE STREET GLOBAL MARKETS, LLC REGARDING THE HAYS COUNTY JUVENILE DETENTION FACILITY WITH ACTION** [T1-86]

The court convened into closed executive at 9:05 a.m. and reconvened into open meeting at 9:25 a.m. A motion was made by Judge Powers, seconded by Commissioner Molenaar to authorize legal counsel to release information pertaining to the engineering report to State Street Bank. All voting "Aye".

**PRESENTATION AND DISCUSSION ON TOLL ROADS WITH MICHAEL AULICK, EXECUTIVE DIRECTOR OF CAMPO AND BOB DAIGH, DISTRICT ENGINEER OF TXDOT** [T1-102]

Bob Daigh, District Engineer for TxDot spoke of working with Judge Powers and Commissioner Molenaar to see what we can do to advance the very important projects that Hays County has brought to the commission. He spoke of ranking of cities regarding traffic congestion and the Austin area is the most congested midsize city in the entire country (just below the New York area). We will need to improve mobility – build a basic roadway infrastructure and run our buses expeditiously and, if the citizens agree, we need to provide good local commuter rail service. He spoke of the shortfall being billions of dollars and that is why CAMPO took the courageous step earlier this year to vote to toll those projects that can be tolled which will accelerate turnpike projects and frees up very valuable revenue for other projects in this area and in Hays County. Michael Aulick, Executive Director of CAMPO, presented members of the court with a copy of the September 2004 CAMPO Newsletter addressing Toll Roads. He advised that the Capital Area Metropolitan Planning Organization (CAMPO) serves the 3 county region of Williamson, Travis and Hays Counties in central Texas. CAMPO is governed by a 23 member Transportation Policy Board composed of elected officials representing cities, counties and state legislative districts within the CAMPO's boundaries, as well as representatives from transportation agencies. CAMPO is responsible for promoting an efficient, affordable transportation system that meets the mobility needs of area residents while enhancing regional livability, the economy and the environment. CAMPO provides transportation planning and air quality services and coordinates with state and local jurisdictions to determine the priorities for spending federal transportation dollars in the region. The newsletter shows a map of the toll roads for Phase 1 & Phase 2. The 2<sup>nd</sup> phase includes 260 miles of new tolled freeway mainlanes on the following roads: **US183(S)** from IH35 to SH71(E); **SH71(E)** from IH35 to Thornbery Lane; **Loop 1(S)** from US290(W) to William Cannon; **SH45(SW)** from Loop 1 to FM1626; **US290(W)** from FM1826 to east of Williamson Creek; **SH71(W)** west of US290; **US290(E)** from US183(S) to SH130, and **Loop 360** from US183(N) to US290(W). He spoke of shortage of highway funding and he explained that the gasoline tax is used to maintain existing highways. He spoke of 50% increase in population in the 3 county region (Williamson, Travis & Hays). There will be frontage roads along the toll roads (non-toll alternative) to access local businesses, etc. **Public comments** on this item were as follows: [T1-373] Sal Costello (Austin) spoke in opposition to toll roads – 3 of these roads are being built at this time with taxpayer dollars that are going to become toll roads. He does not feel like it will improve traffic congestion. Commissioner Burnett spoke of need for legislature to fund the department of transportation.



[T1-446] Bill Brock (Hays County resident) spoke of survey in Dripping Springs area – the tolls will be costly to people who live in this area – he supports additional gasoline tax. Commissioner Burnett advised that CAMPO had resolutions of support from the Dripping Springs Chamber of Commerce and the Kyle Chamber of Commerce. [T1-512] David Baker (Wimberley resident) does not support double taxing on roads that are already paid for. He spoke of need for a smarter more efficient plan. [T1-554] Will Conley (San Marcos resident) spoke of changes in funding transportation – toll roads are one of the options. He believes the Travis County plan is a poor plan and needs to be reconsidered. [T1-574] Dick Kallerman (Transportation contact for Central Texas Regional Sierra Club & Austin resident) spoke of cost for toll roads – adding roads does not solve congestion. He spoke of land use planning and HOV lanes and he spoke of other regions putting in land use planning and rail. [T1-656] Dan Ekakiadis (Kyle resident) agrees that we should not put tolls on roads that have already been paid for. He spoke of rapid transit systems – he feels like this should have been put out to the voters for approval and he does not support an additional gas tax. [T1-708] Margaret Mills (Buda ETJ) feels like the citizens were not made a part of this vote – she spoke of this being double taxation and she spoke of need for mass transit (bus and light rail). [T1-756] Charles O'Dell spoke of Commissioner Burnett's CAMPO vote for the toll road plan and he spoke of alleged ethics violation. Commissioner Burnett stated that the Engineering Firm he works for does not work for TXDOT or the RMA and has no interest in this toll plan – he said that he did speak with Commissioner Molenaar, Commissioner Ingalsbe and Judge Powers about the CAMPO vote as well as having resolutions from the Kyle and Dripping Springs Chambers of Commerce. He stated that he is not compromised and he has voted for what is in the best interest of this region (to get roads on the ground as quickly as possible). He stated that he has no conflict of interest.

**22081 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$327,642.86 as presented by the County Auditor. All voting "Aye".

**Clerk's Note:** Agenda Item #4 RE: APPROVE BUDGET AMENDMENT 04-32 was PULLED. There was no budget amendment submitted for approval.

**22082 APPROVE UTILITY PERMIT #01730**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Utility Permit #01730 on CR152/Heidenreich Lane issued to County Line Water Supply as submitted by the Road Department. All voting "Aye".

**22083 APPROVE JULY 2004 TREASURER'S REPORT**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the July 2004 Treasurer's Report and Investment Report. All voting "Aye".

**22084 APPROVE PHARMACIST CONSULTING AGREEMENT RENEWAL BETWEEN HAYS COUNTY AND JOHN S. ANDERSON, R.PH**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Pharmacist Consulting Agreement renewal between Hays County and John S. Anderson, R.PH. All voting "Aye".

**22085 APPROVE CONTRACT FOR ANNUAL AUDIT WITH HOLTMAN, WAGNER & COMPANY, L.L.P.**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve contract for Annual Audit with Holtman, Wagner & Company, L.L.P. All voting "Aye".

**22086 APPROVE FY 2005 FEE SCHEDULE FOR THE HAYS COUNTY HEALTH DEPT.**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the FY2005 Fee Schedule for the Hays County Health Dept. All voting "Aye".

<b>TB Control</b>		<b>Family Services</b>	
06 - x-ray	\$ 40.00	01-B/P	\$ 5.00
07 - TB Ski	\$ 15.00	02 Cholesterol	\$ 20.00
<b>Immunization Use Sliding Scale</b>		04 Diabetes Testing	\$ 10.00
10 VFC-L	\$ 15.00	05 HIV	\$ 25.00
10 VFC-L	\$ 20.00	08 Adult HepA	\$ 60.00
10A VFC Medcd		08 Adult HepB	\$ 50.00
12 Copies	\$ 2.00	09 Flu	\$ 20.00
<b>Title V</b>		09 Pneumonia	\$ 25.00
11 Pregna	\$ 15.00	09 Flu/Pnu 3 <sup>rd</sup> Party	
<b>21CoPay</b>		14 Maternity Admit	\$ 70.00
Well Child	\$ 15.00	14 Maternity Return	\$ 40.00
Sick Child	\$ 12.00	15 Well Child	\$ 40.00
Mat. Admit	\$ 17.00	15 Newborn Screen	\$ 30.00
Mat Return	\$ 10.00	15A WC 3rd Party	
Ultrasound	\$ 25.00	17 Depo Inj	\$ 50.00
Fam. Plan	\$ 12.00	18 Fam Plan Exam	\$ 70.00
DePo Inj.	\$ 12.00	18A FP Exam 3 <sup>rd</sup> Par	



Family Practice Clinic			
CPT Code	Level 1	Level 2	Level 3
99201	\$ 30.00	\$ 37.00	\$ 45.00
99202	\$ 35.00	\$ 43.00	\$ 53.00
99203	\$ 45.00	\$ 55.00	\$ 67.00
99204	\$ 67.00	\$ 83.00	\$101.00
99205	\$ 85.00	\$105.00	\$130.00
99211	\$ 23.00	\$ 25.00	\$ 31.00
99212	\$ 30.00	\$ 37.00	\$ 45.00
99213	\$ 43.00	\$ 53.00	\$ 65.00
99214	\$ 49.00	\$ 61.00	\$ 75.00
99215	\$ 67.00	\$ 85.00	\$105.00

**22087            AUTHORIZE THE COUNTY JUDGE TO SUBMIT AN INTERLOCAL RENEWAL APPLICATION FOR IMMUNIZATION SERVICES 2005**

The Grant amount is \$102,402.00. This is a continuation of the existing Immunization Grant through the Texas Dept. of Health Services to provide immunization administration and education of vaccine preventable diseases. This grant also includes a surveillance and epidemiological component for required reportable diseases. Through this grant we are also charged with auditing local day cares, schools (public and private) and registered Family Homes for compliance with State Immunization laws. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to submit an Interlocal Renewal Application for Immunization Services 2005. All voting "Aye".**

**22088            ADOPT THE SHERIFF AND CONSTABLE FEES FOR 2005 PURSUANT TO LOCAL GOVERNMENT CODE 118.131.**

No changes are being made to the current fees. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to adopt the Sheriff and Constable Fees for 2005 pursuant to Local Government Code 118.131. All voting "Aye".**

**22089            [PCT. 3 #04-3-011] IMPLEMENT CANCELLATION PROCESS FOR THE "HIGH RIDGE RANCH" SUBDIVISION PLAT [T1-926]**

David Jones thanked Commissioner Burnett for bringing this back to court for consideration – he urged the court to cancel this subdivision. Linda Anderson also thanked Commissioner Burnett for placing this back on the agenda and for visiting with her regarding this matter – she supports cancellation and starting with a new beginning. Commissioner Burnett advised that there were errors made – a portion of one subdivision needs to be vacated before it can be included in another subdivision. Environmental Health Director Allen Walther advised that the majority of this subdivision is in Comal County and they have already approved the subdivision plat and the Hays County portion does not require a water availability and assessment. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to instruct staff and legal counsel to start the cancellation process on "High Ridge Ranch" subdivision effective this date. All voting "Aye".**

**22090            [PCT. 4 #04-4-040] HEATHERWOOD – ACCEPT A LETTER-OF-CREDIT IN LIEU OF THE ALREADY POSTED CASH BOND FOR THE CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS [T1-1058]**

Subdivision Coordinator Jon Thompson advised that the developer posted a cash bond for construction fiscal security and he would like to exchange it for a letter of credit. The cash bond was in the amount of \$48,660.50 and the letter of credit is in the amount of \$50,000. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to accept a Letter of Credit in lieu of the already posted cash bond for the construction of road and drainage improvements in "Heatherwood" subdivision. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

**22091            CALL FOR A PUBLIC HEARING ON OCTOBER 12, 2004 TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) IN THE RIVER HILLS SUBDIVISION [T1-1114]**

No speed limit has ever been adopted by the court in this subdivision. The roads in this subdivision are River Hills Drive, Ruiz Street, Dedeke Place and Picasso Drive. The Road Dept. will have a recommended speed limit at the time of the public hearing. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to call for a public hearing on October 12, 2004 to consider establishing traffic regulations (speed limits) in the River Hills Subdivision. All voting "Aye".**



**NO ACTION ON REQUEST TO CALL FOR A PUBLIC HEARING ON OCTOBER 21, 2004 TO CONSIDER THE CREATION OF THE WOODCREEK NORTH ROAD DISTRICT, A COUNTY ROAD DISTRICT PURSUANT TO CHAPTER 257 OF THE TRANSPORTATION CODE [T1-1120]**

David Jackson (Attorney representing developer Wimberley Quicksand Partners Ltd.) spoke of need for a public hearing and for the Commissioners' Court to create the "Woodcreek North Road District". They propose to hold an election in 2005. Winton Porterfield (Loomis Austin) advised that the total cost is approximately \$15-20 million. Mr. Jackson spoke of phasing the project (total of 37 miles of road). Winton Porterfield advised that there are 3400 lots in the district with approximately 700-800 rooftops. Commissioner Burnett spoke of Woodcreek subdivision being platted in the 1970's – there are lots that are not buildable and roads that were never built – the homeowners association never had enough money to bring roads up to county standards for acceptance into the county road maintenance system. He suggested that they create a road district. Bond Counsel Dan Wegmiller explained the bond process (must show value before bonds are sold) – this is not a debt of the county. Commissioner Burnett stated that if the intent is for the county to take over maintenance of the road, the road dept. will be involved in a review process. Mr. Jackson advised that the roads will be dedicated to the county. Jim Scully (Vice President of the Woodcreek Property Owners Assoc) spoke of problem with collecting fees from property owners – for 3 ½ years + they have discussed ways and means to get money to improve the roads and the type of road district that would be appropriate. They have tried to work with the developers to develop a plan. The proposed plan is to reconstruct Valley Springs (a major artery) and Crazy Cross (already done to county specs by the WPOA). He feels like it does not become a county road until road improvements are made. Mr. Scully advised that he is against it as presented but he is for it if a plan is presented to the property owners before the public hearing is held. He feels like if the developer would pay the required fees the WPOA would be able to improve the roads. Mr. Scully advised that there are approximately 400 members in the WPOA and they own these private roads. Mr. Jackson spoke of proposed phases and advised that there is a law suit pending – they intend to have a meeting with the WPOA before the public hearing – the WPOA attorney has advised that they have no problem with calling for a public hearing. He spoke of time line for holding elections (February or May). [T1-1600] Erwin Cavan (Fulbright & Jaworski) spoke of public hearing not creating the district – the court can create a district and dissolution the district if there is no interest to issue bonds. Commissioner Molenaar spoke of election requirements for creating a district. Elections Administrator Joyce Cowan spoke of petition she received to order an election for issuance of bonds. Winton Porterfield advised that they know what it will take to improve the roads in the most effective way to meet public health and safety issues and to meet county standards – the county creates the road district and the residents must vote for issuance of bonds to fund the improvements – the petition was submitted to provide the court with information that there is an interest in this process. [T1-2528] Jacqueline Cullom Murphy spoke of need to provide more background information – she spoke of statutory deadlines that must be met. Mr. Jackson stated that he would meet with the WPOA and their Attorney. Commissioner Molenaar advised that he would like to see a copy of the petition. No action was taken.

**Clerk's Note: Agenda Item #15 RE: [PCT. 4 #02-4-037] CALICHE HILL SECTION 1 LOT 1 & CALICHE HILL SECTION 2 LOT 1 RESUBDIVISION – CALL FOR A PUBLIC HEARING FOR THE ESTABLISHMENT OF COMPREHENSIVE TRAFFIC REGULATIONS ON "AMERICAN WAY" ON OCTOBER 12, 2004 was PULLED. NO DISCUSSION AND NO ACTION TAKEN.**

**22092 APPROVE AN AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 3 TO WORK AUTHORIZATION NO. 5 - HAYS COUNTY/TC&B/LAN (KOHLEERS CROSSING) [T1-1878]**

Bob Sutton (Turner, Collie & Braden Inc.) explained the supplemental work authorization. **A motion was made by Commissioner Carter, seconded by Judge Powers to approve an agreement for Engineering Services with Turner, Collie & Braden, Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 3 to Work Authorization No. 5 – Hays County/TC&B/LAN (Kohlers Crossing). Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Burnett was not present to vote.**

**CONSIDER DECLARING AN EMERGENCY AND AMEND THE FISCAL YEAR 2005 BUDGET TO PROVIDE SPECIAL PROSECUTOR LINE ITEMS FOR EACH HAYS COUNTY JUSTICE OF THE PEACE COURT [T1-1933]**

Justice of the Peace Pct. 3 Andy Cable spoke of the District Attorney fax informing the JP's that he would no longer be able to provide prosecutors for the JP courts until April 1, 2005. He read from the statute (Code of Criminal Procedure Article 2.07) requiring legal representation. The JP's are requesting funds to hire attorneys to represent the State in their courts (@\$50 per hour). Commissioner Molenaar suggested taking a Misdemeanor Prosecutor out of the District Attorney's budget to fund this expense. Special Counsel Jacqueline Cullom Murphy spoke of legal services line item that was a consideration or contingency funds. County Auditor Bill Herzog spoke of cost being approximately \$28,000 to fund all the JP courts for six months. Judge Cable spoke of creating a line item for each JP which would allow them to hire attorneys at their discretion. [T1-2286] **A motion was made by Judge Powers to declare an emergency and amend the Fiscal Year 2005 Budget to provide a Special Prosecutor line item for each Hays County Justice of the Peace Court in the amount of \$4,660 out of reserves. Motion DIED for lack of a second. Court to reconsider this item in the near future.**



**22093 APPROVE RENEWAL OF THE AGREEMENT BETWEEN CHARLES NAGEL AND HAYS COUNTY REGARDING THE MANAGEMENT OF THE HAYS COUNTY CIVIC CENTER [T1-2591]**

Commissioner Molenaar advised that there are no changes to the contract and he recommends renewal for one year. Charles Nagel advised that previous year revenues were \$48,000 (includes donations) and he is now under contract for \$51,535 - he estimates revenues of \$140,000-150,000 for FY2005. He spoke of Orange County Choppers event, AKC dog shows, fraternity events, rodeo events, and possible concerts. He spoke of donation of bleachers and installation of mister system to reduce temperature in the building. He spoke of big horse event to be held this weekend. He spoke of need to make the arena convertible for other venues. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve renewal of the Agreement between Charles Nagel and Hays County regarding the management of the Hays County Civic Center. All voting "Aye".**

**22094 ACCEPT THE BLANCO RIVER CLEANUP PROJECT FROM THE USDA NATURAL RESOURCE CONSERVATION SERVICE AND AUTHORIZE JUDGE JIM POWERS TO EXECUTE AMENDED CONTRACT WITH NRCS [T1-2910]**

Grants Administrator Richard Salmon explained the project. The project consists of the clearing and disposal of trees, logs, brush, shrubs, stumps and rubbish along approximately 12 miles of the Blanco River as per construction specifications provided by NRCS under the Watershed Protection Act. Phase I has been completed and Phase 2 was pending until NRCS notified us that most of their staff is being reassigned to recovery efforts in Florida. They have asked Hays County to take over the project. No county funds are required. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to accept the Blanco River Cleanup Project from the USDA Natural Resource Conservation Service and authorize Judge Jim Powers to execute contract with NRCS. All voting "Aye".**

**22095 AWARD ENGINEERING CONTRACT ON BLANCO RIVER CLEANUP PROJECT TO HEJL & LEE AND ASSOCIATES AND EXECUTE A CONTRACT FOR \$31,950 [T1-2949]**

Grants Administrator Richard Salmon advised that with the takeover of the Blanco River Cleanup Project from NRCS we will need to contract with an engineering company. Because these grants were authorized under a major presidential disaster declaration issued on July 4, 2002, Hays County is exempt from the regular procurement process for professional services. He suggested the selection of Hejl & Lee and Associates as the engineer for this project. Hejl & Lee has an excellent track record working for Hays County on sewer and water improvement projects throughout the county. ORCA grant funds will be used to pay all engineering expenses. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to award engineering contract on Blanco River Cleanup Project to Hejl & Lee and Associates and execute a contract for \$31,950. All voting "Aye".**

**22096 AWARD 2<sup>ND</sup> CONTRACT TO CLIFF CASKEY TO SUPERVISE DAY-TO-DAY OPERATIONS OF PHASE II OF THE BLANCO RIVER CLEANUP PROJECT FOR \$13,500 [T1-2975]**

Grants Administrator Richard Salmon spoke of need for day-to-day supervision and notification to landowners. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to award 2<sup>nd</sup> contract to Cliff Caskey to supervise day-to-day operations of Phase II of the Blanco River Cleanup Project for \$13,500. All voting "Aye".**

**22097 ADOPT A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO ACCEPT A GRANT FROM THE TEXAS SECRETARY OF STATE PURSUANT TO TITLE I, SECTION 101 AND TITLE II, SECTION 251 OF HELP AMERICA VOTE ACT (HAVA) AND TO EXECUTE CONTRACT FOR \$209,881.21 [T1-3000]**

Grants Administrator Richard Salmon explained the grant. There are 3 basic purpose areas of funding for the county as identified in the Texas HAVA State Plan, which include the following: (1) County Education Fund, (2) Accessible Voting System in each polling place, and (3) General HAVA Compliance. Under the County Education Fund, Hays County will have \$7,000 available for reimbursement (funds can be used for costs incurred as a result of attending professional election training such as conferences and seminars). Under the Accessible Voting System in Each Polling Place purpose area, Hays County will have \$105,000 available for reimbursement (funds can be used to purchase voting equipment consistent with the mandates described in Section 9 of the award agreement). Under the General HAVA Compliance purpose area, Hays County will have \$97,881.21 available for reimbursement (funds can be used for general compliance with Title II requirements of HAVA which are listed in Section 6 of the award agreement). **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to adopt a Resolution Authorizing the County Judge to accept a Grant from the Texas Secretary of State pursuant to Title I, Section 101 and Title II Section 251 of HELP AMERICA VOTE ACT (HAVA) and to execute a contract for \$209,881.21. All voting "Aye".**



**22098 ADOPT A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO CAPCO FOR UP TO \$21,000 TO PURCHASE EQUIPMENT FOR THE CITIZENS COLLECTION STATION & TRANSFER STATION**

[T1-3031] Grants Administrator Richard Salmon explained the grant. This grant request will be to purchase used forklifts – one for the transfer station and one for the citizens collection station. Hays County will provide no cash match, but will instead provide in-kind match equal to the value of existing recycling facilities. The forklifts will allow the county to move and stack bailed products. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to adopt a Resolution authorizing the County Judge to submit a Grant application to CAPCO for up to \$21,000 to purchase equipment for the Citizens Collection Station & Transfer Station. All voting "Aye".**

**22099 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF SAN MARCOS AND SAN MARCOS CISD RELATING TO ROAD IMPROVEMENTS TO OLD BASTROP HWY (CR 266) FROM HWY 123 SOUTH TO THE INTERSECTION OF MCCARTY LANE** [T1-3051]

Commissioner Ingalsbe spoke of revised interlocal agreement (minor changes). She advised that \$150,000 is available in the FY2005 Road Dept. budget (roll over funds) that can be utilized without affecting any remaining projects that need to be completed and \$150,000 will be taken out of Pct 1 priority list next year. Winton Porterfield advised that the City of San Marcos will annex some of the roadway and provide maintenance for all the roadway. The City of San Marcos has unanimously approved these provisions. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to enter into an interlocal agreement with the City of San Marcos and San Marcos CISD relating to road improvements to Old Bastrop Highway (CR266) from Hwy. 123 south to the intersection of McCarty Lane. All voting "Aye".**

**22100 ACCEPT A DONATION OF LABOR COST FROM BILL'S HEATING & AIR CONDITIONING TO INSTALL THE 3 TON AC UNIT AT THE HAYS COUNTY CIVIC CENTER** [T1-3246]

Commissioner Molenaar spoke of donation of an AC unit that now needs to be installed – labor cost being donated is a \$2,000 value. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept a donation of labor cost from Bill's Heating & Air Conditioning to install the 3-ton AC unit at the Hays County Civic Center. All voting "Aye".**

**22101 ENACT A RESOLUTION OF THE HAYS COUNTY COMMISSIONERS' COURT REGARDING THE RESALE OF DELINQUENT TAX PROPERTIES AS AUTHORIZED BY SECTION 34.05(1), TEXAS PROPERTY CODE** [T1-3296]

Standards and procedures regarding resale of delinquent tax properties being established are: During the redemption period, private bids may be received by the County Tax Assessor-Collector and presented to the Commissioners Court for review. Any tendered bid during the redemption period must be for 100% of the taxes, penalties, interest, attorney's fees and costs due or it shall be automatically rejected by the Court. Within 6 months of the expiration of the redemption period, a private sale will be held during which the bid in trust property will be placed up for resale by Hays County. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to enact a Resolution of the Hays County Commissioners' Court regarding the resale of Delinquent Tax Properties as authorized by Section 34.051(1) Texas Property Code. All voting "Aye".**

**22102 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT WITH THE ROCK CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 FOR THE ASSESSMENT AND COLLECTION OF TAXES** [T1-3372]

Tax Assessor-Collector Luanne Caraway spoke of this being a new taxing district – they will not assess a tax until next year. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize the County Judge to enter into an interlocal cooperation agreement with the Rock Creek Water Control and Improvement District No. 1 for the assessment and collection of taxes. All voting "Aye".**

**22103 ACCEPT A BID FOR 100% OF THE TAXES, PENALTIES, INTEREST, ATTORNEY'S FEES AND COSTS DUE IN CAUSE NO. 99-1288, HAYS COUNTY V. ROGER GALAN**

[T1-3423] **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to accept a bid for 100% of the taxes, penalties, interest, attorney's fees and costs due in Cause No. 99-1288, Hays County v. Roger Galan. All voting "Aye".**



**DISCUSSION RELATED TO AUTOMATIC INCREASE AND RECOMMENDATION FROM THE HAYS COUNTY GRIEVANCE COMMITTEE REGARDING THE SALARY GRIEVANCE OF CONSTABLE BILLY REEVES, CONSTABLE RON MCGILL AND CONSTABLE LUPE CRUZ [T1-3444]**

Special Counsel Jacqueline Cullom Murphy spoke of Salary Grievance Committee meeting that was held yesterday in which they had 7 regular members plus 2 alternates present. The first vote by the committee was to raise the Constable's salaries to \$59,019 pursuant to request of the Constables – 5 members voted for that increase – since the vote was not unanimous, it only comes to the court as a recommendation. **A second motion was made to increase their salaries to \$46,000 and all nine members voted in support of that motion, therefore it is an automatic increase and must be included in the budget.** County Auditor Bill Herzog advised that \$20,967 will be added to the budget to increase the salaries of the Constables filing the grievance. Only the three Constables filing a grievance will receive the increase. Increases in other elected officials can only be made once a year and must be published in the newspaper before the budget is adopted.

**EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE DEPARTMENT HEAD EVALUATIONS**

The Court convened into closed executive session and upon completion reconvened into open meeting. No action was taken.

**COURT WAS ADJOURNED.**

---

**I, LEE CARLISLE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on SEPTEMBER 28, 2004.**



---

**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO  
CLERK OF THE COMMISSIONERS' COURT OF  
HAYS COUNTY, TEXAS**

