



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 5<sup>th</sup> DAY OF OCTOBER A.D., 2004, 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
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WITH THE FOLLOWING MEMBERS ABSENT: COMMISSIONER PCT. 3 WILLIAM "WILL" 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.

**22104 ADOPT A PROCLAMATION DECLARING THE MONTH OF OCTOBER 2004 AS "DOMESTIC VIOLENCE AWARENESS MONTH" IN HAYS COUNTY**

County Clerk Lee Carlisle read the Proclamation. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to adopt a Proclamation declaring the month of October 2004 as "Domestic Violence Awareness Month" in Hays County, All present voting "Aye". Melissa Johnson spoke of services provided and thanked the court for their support and adoption of this proclamation.

**22105 ADOPT A PROCLAMATION DECLARING THE MONTH OF NOVEMBER 2004 AS "HOME CARE MONTH"**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to adopt a Proclamation declaring the month of November 2004 as "Home Care Month". All present voting "Aye". Carol Trafford (RN, and representative of Central Texas Medical Center Home Health and Hospice) spoke of having the privilege to assist people in their home with health care services.

**22106 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 \$883,226.08 as presented by the County Auditor. All present voting "Aye".

**22107 APPROVE BUDGET AMENDMENT NO. 04-32**

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 04-32 as proposed by the County Auditor. All present voting "Aye".

**22108 APPROVE UTILITY PERMITS #01731 & #10732**

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Utility Permit #01731 on CR266/Redwood Rd & Old Bastrop Highway issued to Grande Communications, and #01732 on Holder Lane issued to Pedernales Electric Coop. as submitted by the Road Department. All present voting "Aye".

**22109 APPROVE AUGUST 2004 TREASURER'S REPORT**

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve the August 2004 Treasurer's Report as submitted. All present voting "Aye".

**22110 APPROVE AWARD OF BID FOR "UNIFORM RENTAL" TO G & K SERVICES**

Bids were received from G&K, Cintas, & UniFirst. Purchasing recommends awarding the contract for uniform rental to G & K Services based on the lowest and best bid. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve award of bid for "uniform rental" to G & K Services. All present voting "Aye".

**22111 APPROVE ADMINISTRATIVE CHANGE TO LAW ENFORCEMENT CHART**

County Treasurer Michele Tuttle recommended removal of the steps in the Law Enforcement Salary Chart and maintain no change in the current ranges. This will be consistent with the other grade step charts (nonexempt and exempt). A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe All present voting "Aye".



**22112 APPROVE PURCHASE OF USED CAB & CHASSIS FOR THE ROAD DEPARTMENT IN THE AMOUNT OF \$17,500**

This unit will replace a water truck that is a continuous maintenance problem. Funds are available in the road department budget. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve purchase of a used cab & chassis for the Road Department in the amount of \$17,500. All present voting "Aye".**

**22113 ACTION RELATING TO PROSECUTOR SERVICES FOR THE JUSTICE OF THE PEACE COURTS AND AMEND THE FISCAL YEAR 2005 BUDGET ACCORDINGLY**

[T1-160] Commissioner Molenaar spoke of contacting some of the JP's regarding their needs for a prosecutor in the JP offices. He suggested hiring a misdemeanor prosecutor (in the DA's Office) to serve the Justice of the Peace courts. A job description has been created for this position which includes in the summary that this person will prosecute misdemeanor cases in the six justice of the peace courts at a minimum of 12 business days each month, not including the time needed to prepare for these court appearances. This position will be at the pleasure of the justice courts and they will get this person on specific days that they need them. It will cost \$25,212.00 to fund this position from October 2004 – March 2005. District Attorney Mike Wenk advised that he contacted each JP and he advised them that he would support whatever option they chose and they have indicated that they would like to continue using his personnel. He spoke of district court and county court at law increasing their jury trials and he does not have the manpower to respond to this increase. County Auditor Bill Herzog advised that there are funds available from the non-allocated salary merit increases. JP2 Beth Smith spoke in support of hiring a misdemeanor prosecutor in the District Attorney's office and she spoke of option to hire an independent attorney. Commissioner Carter spoke in favor of allowing the JP's to hire an independent attorney. [T1-380] **A motion was made by Commissioner Molenaar, seconded by Judge Powers to fund a Misdemeanor Assistant District Attorney/Justice of the Peace Prosecutor by eliminating the felony prosecutor position and move those budgeted funds into a misdemeanor prosecutor position and add \$25,212 to the budget for that position, to come out of excess merit increase funds, to be effective October 1, 2004 using the proposed job description and to serve at the pleasure of the Justices of the Peace. Commissioner Ingalsbe, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

**22114 APPROVE ASSESSMENT AND COLLECTION AGREEMENT WITH THE CITY OF DRIPPING SPRINGS** [T1-509]

County Tax Assessor-Collector Luanne Caraway advised that the City of Dripping Springs has requested that the County collect their ad valorem taxes beginning with tax year 2004. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve assessment and collection agreement with the City of Dripping Springs. All present voting "Aye".**

**22115** [#03-4-061] **CREEK ROAD RANCH SECTION 2 – ACCEPT COMPLETION OF THE ROAD AND DRAINAGE IMPROVEMENTS, CONSIDER THE RELEASE OF CONSTRUCTION FISCAL, AND ACCEPT THE MAINTENANCE FISCAL SECURITY**

[T1-530] County Road Supt/Engineer Jerry Borcharding gave staff recommendation to accept completion of road and drainage improvements, release the construction fiscal and accept maintenance fiscal security. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept completion of the road and drainage improvements, release construction fiscal, and accept maintenance fiscal security for "Creek Road Ranch Section 2". All present voting "Aye".**

**22116** [#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 TRAFFIC REGULATIONS (SET SPEED LIMIT) ON "AMERICAN WAY"** [T1-548]

**A motion was made by Commissioner Molenaar, seconded by Judge Powers to call for a public hearing on October 19, 2004 to consider establishing traffic regulations (speed limit) on "American Way" in the Caliche Hill Section 1 Lot 1 & Caliche Hill Section 2 Lot 1 Resubdivision. All present voting "Aye".**

**22117** [#04-4-013] **THE PRESERVE PHASE 3 – ACCEPT COMPLETION OF THE ROAD AND DRAINAGE IMPROVEMENTS AND RELEASE THE CONSTRUCTION FISCAL** [T1-565]

This is to be a privately maintained road, therefore no maintenance fiscal is required. County Road Supt/Engineer Jerry Borcharding gave staff recommendation to accept completion of road and drainage improvements and release the construction fiscal security. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept completion of the road and drainage improvements and release construction fiscal security for "The Preserve Phase 3". Commissioner Ingalsbe, Commissioner Carter, and Commissioner Molenaar voting "Aye". Judge Powers abstained.**



**Clerk's Note: Agenda Item #13 RE: APPROVE AWARD OF BID FOR "ROAD BOND PROGRAM" FOR ROAD IMPROVEMENTS FOR CENTERPOINT ROAD AND MCCARTY LANE TO CAPITAL EXCAVATION IN THE AMOUNT OF \$1,541,613.69 was PULLED. No discussion and no action was taken.**

**COURT WAS ADJOURNED.**

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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 OCTOBER 5, 2004.



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

