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**JUNE 1, 1999**  
**PAGE 375**

**VOLUME R**

**ADJOURNED this the 25<sup>th</sup> day of May, 1999.**

**MINUTES APPROVED IN OPEN COURT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 1999.**

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

\_\_\_\_\_  
**LEE CARLISLE, COUNTY CLERK**  
**H A Y S COUNTY, TEXAS**

**STATE OF TEXAS**  
**COUNTY OF HAYS**

**ON THIS THE 1ST DAY OF JUNE A.D., 1999, 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>LEE CARLISLE</b>	<b>COUNTY CLERK</b>

**WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:**

Judge Powers called the meeting to order, the County Clerk called the roll with all members present. Judge Powers gave the invocation and Commissioner Carter led the Court in the Pledge of Allegiance to the American Flag and the Texas Flag.

**PRESENTATION OF COUNTY EMPLOYEE SERVICE PINS**

Michele Tuttle presented service pins to the following county employees:

15 years	Maria Haney (Sheriff's Dept. Corrections Officer)
10 years	Henry Dicke (Sheriff's Dept. Corrections Officer)
5 years	Ryan Puryear (Sheriff's Dept. Deputy)
15 years	Thomas Pope (Environmental Health Chief Sanitarian)
5 years	* not present* Yolanda Sanchez (Environmental Health Sr. Office Administrator)
5 years	* not present * Israel Anderson (RMW Senior)

Judge Powers presented a five (5) year pin to County Tax A/C Luanne Caraway

**17855 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON LAUREL PATH & WARPAT LANE AT THE INTERSECTION OF DARRYL DRIVE**

Judge Powers declared the public hearing open. George Guidry (resident on Darryl Drive) spoke of safety problem on Darryl Drive. He stated that there are no stop signs on Darryl Drive from Ranger Drive to Lakewood Drive and he feels like Darryl Drive is being used as a thoroughfare. Traffic has slowed down since speed limit signs have been placed on Darryl Drive but he feels like that is not enough. He spoke of Stop signs on other roads in the subdivision and he proposed the placement of Stop signs on Darryl Drive at Laurel Path, Warpath Lane, and Ripple Rock (both ways). Commissioner Carter read a letter from John Hadasell (resident of Darryl Drive) regarding concerns of the neighborhood. She spoke in support of placement of Stop signs as proposed. Road Director Ron Bishcoff advised that the Traffic Code does not recommend placement of Stop signs as speed control devices. Commissioner Carter spoke of Stop signs on Shady Lane & Crystal Creek and she feels like we should treat Darryl Drive the same. Judge Powers declared the public hearing closed. Environmental Health Director Allen Walther spoke of himself living in this subdivision and he stated that some of the other streets have gotten stop signs but he is concerned about placing stop signs where they don't belong and people are beginning to ignore those stop signs. He agrees to consistency, but we should not overuse them to the point that people start ignoring them. Commissioner Burnett stated that he would like for the Road Department to evaluate the proposal before the Court takes action. Commissioner Molenaar agreed that the Road Dept. should evaluate this proposal. Ron Bischoff advised that he does recommend Stop signs on Laurel Path & Warpath Lane but not on Darryl Drive. He spoke of dangers in placing Stop signs where they are not appropriate. Commissioner Carter does not feel like Stop signs would be inappropriate on Darryl Drive. George Guidry feels like it is a safety issue. Court requested that Special Counsel Jacquelyn Collum-Murphy research the legal issues. Commissioner Molenaar spoke of signs that are ignored and he supports enforcement of speed limits. George Guidry spoke of multiple stop signs on Crystal Creek and Shady Acres causing more traffic on Darryl Drive and he feels like the situation is dangerous. Judge Powers closed the public hearing. Commissioner Burnett supports placement of Stop signs on Laurel Path & Warpath Lane (as posted on the agenda). A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulations: STOP signs on Laurel Path & Warpath Lane at their intersection with Darryl Drive and instruct Special Counsel and the Road Director to help resolve the dilemma on Darryl Drive so that it will not be used as a main thoroughfare. All voting "Aye".



17856 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS AT THE INTERSECTIONS OF CR 157/OLD GOFORTH ROAD AND PRAIRIE WIND DRIVE

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Commissioner Carter spoke of a curve on CR157 at Prairie Wind Drive which is the entrance to the Goforth Village Subdivision. There have been accidents at this intersection and she suggested placement of a Yield sign on CR157/Old Goforth Road at its intersection with Prairie Wind Drive. Road Director Ron Bischoff advised that there is an existing STOP sign on Prairie Wind Drive as it enters CR157. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulations: a Yield Sign on CR157/Goforth Road at the intersection of Prairie Wind Drive. All voting "Aye".

17857 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 \$406,478.87 as presented by the County Auditor. All voting "Aye".

Table with 6 columns: Item Name, Amount, Item Name, Amount, Item Name, Amount. Lists various departments and their respective invoice amounts.

17858 APPROVE BUDGET AMENDMENT NO. 99-020

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 99-020 as proposed by the County Auditor. All voting "Aye".

Table showing budget amendment details for Fund No. 01 (General), Fund No. 03 (Road & Bridge), and Fund No. 10 (Health Services). Includes columns for Line Item, Expenditures, Appropriation Before Amendment, Increases, Decreases, and Appropriation Amended.

HAYS COUNTY COMMISSIONERS' COURT MINUTES



17859 APPROVE UTILITY PERMIT NO. 99-218

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Utility Permit No. 99-218 issued by the Road Department to Heyl Construction Ltd. for installation of a 8" wastewater main line crossing CR157 @ CR205. All voting "Aye".

**17860 APPROVE REFUND OF DOUBLE PAYMENTS AND/OR OVERPAYMENTS ON TAXES**

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve refund of double payment on taxes in the amount of \$797.74 for 9.83 acres T Carothers & TC RR Surveys as requested by the County Tax Assessor-Collector. All voting "Aye".

**17861 APPROVE PLACEMENT OF JON CRADIT (ENVIRONMENTAL HEALTH SANITARIAN) AT A GRADE 28 STEP 2**

Environmental Health Director Allen Walther requested placement of Jon Cradit (new employee) at a Grade 28 Step 2. He believes this is justified due to Mr. Cradit's eleven years plus experience in environmental health. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve placement of Jon Cradit (E.H. Sanitarian) at a Grade 28 Step 2. Commissioner Ingalsbe, Commissioner Carter, Judge Powers, and Commissioner Molenaar voting "Aye". Commissioner Burnett voting "No".

**17862 AUTHORIZE A ONE (1) MONTH EXTENSION TO THE FIRE AND EMERGENCY SERVICES DISTRICTS FOR THE COMPLETION OF ANNUAL FINANCIAL AUDITS**

Audits are due by June 1, 1999 from the Fire Districts and Emergency Services District. We attempted to seek requests for proposal for audit services. The Committee, made up of representatives from the various districts, did not select a firm from the RFP's that were submitted and chose to find a CPA firm on their own. This process took additional time, resulting in this request for an additional month as allowed in the Health & Safety Code. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize a one (1) month extension to the Fire and Emergency Services Districts for the completion of annual financial audits. All voting "Aye".

**17863 BENT TREE ESTATES PHASES 4 & 5 \* APPROVE FINAL PLAT [T1-647]**

Environmental Health Director Allen Walther spoke of this being a phased development. He gave staff recommendation for approval of final plat. He stated that we cannot accept road construction at this time due to storm damage that needs to be corrected. A motion was made by Commissioner Carter, seconded by Commissioner Burnett to approve the final plat of "Bent Tree Estates Phases 4 & 5". All voting "Aye". Road construction was not accepted.

**17864 HIDDEN CREEK RANCH PHASE 1 \* GRANT VARIANCE TO MAXIMUM SLOPE REQUIREMENT AND APPROVE PRELIMINARY PLAT [T1-686]**

Environmental Health Director Allen Walther spoke of subdivision rules allowing maximum grade of 11%. The variance request is for up to 18% at various locations. Staff does not support the variance request (general rule/policy). Developer Bob Peerman spoke of heavy terrain in the area and he stated that this is a private road (gated community) and the area of steepest grade has no sight problem. There are only 7 tracts on the other side of this steep grade and traffic will be minimal. Mr. Peerman does not feel there is a hazard if the variance is granted. These tracts are restricted from further resubdivision (nothing less than 10 acres). Commissioner Molenaar stated that he supports the variance request and he advised that there is a lot of floodplain on the property and he sees not problems. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plat of "Hidden Creek Ranch Phase I" and grant the variance to maximum slope requirement as requested. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No"

**17865 ILA CREEK ESTATES \* APPROVE PRELIMINARY PLAT [T1-826]**

Environmental Health Director Allen Walther spoke of this being a division of an outparcel owned by Constance Austin. Access will be from a private road (Concord Circle). A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve preliminary plat of "Ila Creek Estates" subdivision. All voting "Aye".



Environmental Health Director Allen Walther advised that this is a voluntary plat (100+ acres on a public roadway). Property owner is Benno Henk and developer is American National Power. Minor revisions will occur on the plat (realign roadway at corner). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve preliminary plat of "Henk Addition Lot 1". All voting "Aye".

**17867 PARTIAL RELEASE OF UTILITY AND DRAINAGE EASEMENT ON LOT 28 HILLS OF TEXAS SUBDIVISION [T1-860]**

Environmental Health Director Allen Walther advised that all the lots in the Hills of Texas subdivision have easements on the common lot lines. He gave staff recommendation for approval for partial release of easement for accommodation of new home construction. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve partial release of utility and drainage easement on the 2 lot line of Lot 28 Hills of Texas subdivision. All voting "Aye".

**PUBLIC HEARING REGARDING THE CANCELLATION AND ABANDONMENT OF A SECTION OF TREETOP LANE LYING BETWEEN LOT 6 BLOCK M AND LOT 1 BLOCK R OF GREEN PASTURES SECTION 2 SUBDIVISION [T1-879]**

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Allen Walther, Environmental Health Director, advised that the property in question is the remainder of an unconstructed road. The property to the east is developing, however, there will be no connectivity between the two properties. He gave staff recommendation for approval to abandon the section of Treetop Lane as requested. Staff will require that property be surveyed and be attached to adjoining parcel so as not to have an out-parcel. Jacquelyn Collum-Murphy spoke of law allowing the County to sell abandoned roadways to adjoining property owners. When action is taken to abandon the roadway the plat will have to be revised to reflect the change. Jacquelyn Collum-Murphy recommended that no action be taken this date and she will draft a resolution for action next week.

**17868 CALL FOR A PUBLIC HEARING ON JUNE 15, 1999 TO CONSIDER AMENDING THE HAYS COUNTY SUBDIVISION AND DEVELOPMENT REGULATIONS [T1-1027]**

Commissioner Molenaar spoke of proposed changes to the rules and regulations. Environmental Health Director Allen Walther spoke of water availability issues (Senate Bill 1), requirements for digital platting (develop standards), and standards for culdesacs/vegetation/etc. He asked the court to study the handouts and make recommendations. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to call for a public hearing on June 15, 1999 to consider amending the Hays County Subdivision and Development Regulations. All voting "Aye".

**17869 AWARD ANNUAL CONTRACTS FOR REGULATORY, WARNING, AND OTHER ROAD SIGNS [T1-1103]**

Purchasing Agent Debbie Bilbrey spoke of having contacted all the vendors and they will accept partial contracts as low bidders. Bidders were Pathmark Traffic Products (San Marcos), Unistrut Texas (Arlington), Rocal Inc. (Frankfort, Ohio), and Custom Products Corp. (Jackson, Ms). She gave staff recommendation for approval of 13 low bids as follows:

<u>Item #</u>	<u>Description</u>	<u>Vendor</u>
1	Blank street names	Rocal Inc.
2	U-channel posts	Custom Products
3	Square tube	Unistrut Texas
4	Tubular sign post 16 gauge	Unistrut Texas
4	Tubular sign post 10 gauge	Custom Products Corp.
5	Barricade tape	Rocal Inc.
6	Orange cones	Pathmark Traffic Products
7	Flags	Custom Products Corp.
8	Vests	Custom Products Corp.
9	Traffic paint	Pathmark Traffic Products
10	Pavement markers	Pathmark Traffic Products
11	Barricade flashing lights	Custom Products Corp.
12	Striping compound	Pathmark Traffic Products
13	Reflective sheeting	no bid

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to award contracts for regulatory, warning, and other road signs as recommended by the Purchasing Agent. All voting "Aye". Commissioner Burnett spoke of other counties that have implemented plans where they use county equipment to make signs. He asked about use of county sign making equipment to make individual home number signs (easier for EMS/Fire/etc. to identify residents). Homeowners could purchase the sign. Road Director Ron Bischoff felt like it would cost approximately \$25-30 per sign and he had concerns about staffing for this service.



**17870            AUTHORIZE THE COUNTY JUDGE TO EXECUTE A QUITCLAIM DEED FOR 40 ACRES TO THE HAYS COUNTY YOUTH LIVESTOCK EXPOSITION INC. [T1-1214]**

Commissioner Burnett spoke of the Court already having authorized the contract for purchase of 20 acres adjacent to the Hays County Civic Center. A quitclaim deed is needed for the entire 40 acres so that the Youth Livestock Exposition will have legal title to all the property and can execute a deed to the county for the 20 acres being purchased. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to execute a quitclaim deed for 40 acres adjacent to the Hays County Civic Center to the Hays County Youth Livestock Exposition Inc. All voting "Aye".

**17871            AMEND THE CEMETERY MAINTENANCE CONTRACT WITH MAINTENANCE MANAGEMENT INC. TO ADD CEMETERIO DEL RIO [T1-1246]**

Commissioner Ingalsbe advised that amending the contract for cemetery maintenance will not require additional funds. Cemeterio Del Rio is one of the oldest and largest Hispanic cemeteries in the county. It was deeded to Hays County in 1893 and is part of the county's land inventory. Winton Porterfield stated that it will cost the county cemetery maintenance line item an addition \$1200 per year but the Cemetery Association will reduce their annual request by \$1200 next fiscal year to compensate for that increase. He stated that the county only maintains large cemeteries which are harder to get volunteers to maintain. Small family cemeteries (with no association) are maintained by donations and volunteers. Commissioner Carter spoke of other counties using CSR [community service restitution] individuals to maintain cemeteries. Commissioner Burnett advised that you can use Wackenhut prisoners on public property, but not on private property. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to amend the cemetery maintenance contract with Maintenance Management Inc. to add Cemeterio Del Rio to that contract. All voting "Aye".

**17872            AUTHORIZE THE PURCHASING AGENT TO ADVERTISE FOR BIDS ON THE OLD HOSPITAL PROPERTY [T1-1377]**

Commissioner Burnett advised that there is interest in the old hospital property at this time. We need to clarify the actual size of the property [7.79 acres v. 8,570 acres]. Purchasing Agent Debbie Bilbrey asked to leave this bid open until the Court decides to close it. Court decided to leave the bid open until June 21st and see how much interest there is in the property. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the Purchasing Agent to advertise for bids on the old hospital property located on IH35 North in San Marcos, Texas. All voting "Aye".

**17873            ACCEPT BID ON THE 2.76 ACRE TRACT OF LAND OUT OF THE CONRAD OVERLAND SURVEY NO. 47 (SOUTHERN PORTION OF LOT 56 OF BURNETT RANCH SUBDIVISION NO. 3) IN THE AMOUNT OF \$5,252 FROM JEANETTE KINARD [T1-1474]**

Commissioner Burnett advised that this 2.76 acre tract of land in the Burnett Ranch Subdivision was an abandoned pit that reverted to the Home Owners Association and was deeded to the County for county use during road reconstruction. The county put this land out for closed bids and the adjoining properties submitted their bids. Bids received were: Jeanette Kinard = \$ 5,252 & Oliver Moore = \$ 2,676. He recommended accepting the high bid from Jeanette Kinard. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to accept bid of \$5,252.00 from Jeanette Kinard for 2.76 acres out of the Conrad Overland Survey No. 47 [southern portion of Lot 56 Burnett Ranch Subdivision No. 3]. All voting "Aye".

**17874            ROAD REQUIREMENTS FOR A ONE ACRE TRACT IN ZUNIGA ESTATES [PCT. 1]**

[T1-1519] Allen Walther, Environmental Health Director, advised that the Zuniga Estates property was divided years ago in settling an estate and since that time many of the lots were resubdivided. He spoke of a half acre parcel that was created in May 1985 with no road construction. An easement does exist and staff recommends construction of a road from Hwy 21 to the entrance of the property with 6" base and 12 ft. width. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve a road requirement of 6 inches of base with a 12 foot width roadway for a one acre tract in the Zuniga Estates subdivision. All voting "Aye".

**EXECUTIVE SESSION TO CONFER WITH LEGAL COUNSEL CONCERNING RECENT EEOC COMPLAINTS INVOLVING COUNTY EMPLOYEES OF THE COUNTY ROAD DEPARTMENT (PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE)**

The court convened into closed executive session to confer with legal counsel concerning recent EEOC complaints involving county employees of the county road department. Upon completion of the closed session, the court reconvened into open meeting. No action was taken.



**EXECUTIVE SESSION TO DELIBERATE THE APPOINTMENT, EMPLOYMENT,  
EVALUATION, REASSIGNMENT DUTIES, OR DISMISSAL OF COUNTY EMPLOYEES  
(PURSUANT TO SECTION 551.074 OF THE GOVERNMENT CODE)**

The court convened into closed executive session to discuss Department Head Evaluations. Upon completion of the closed session, the court reconvened into open meeting. No action was taken.

**Court adjourned on this the 1<sup>st</sup> day of June, 1999.**

MINUTES APPROVED IN OPEN COURT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 1999.

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

\_\_\_\_\_  
**LEE CARLISLE, COUNTY CLERK  
H A Y S COUNTY, TEXAS**

